

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20516 of 2015 (O&M)
Date of Decision: 16.11.2018

ISHWAR SINGH AND OTHERS

....Petitioners

VS.

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parmod Kumar, Advocate,
 for the petitioners.

 Mr. Anil Mehta, DAG, Haryana.

 Mr. S.S. Kharb, Advocate,
 for respondent No. 5.

RAKESH KUMAR JAIN, J. (ORAL)

This petition was initially filed on behalf of 10 residents of Village Shekhpur Jat, Tehsil and District Jhajjar against the order dated 26.11.2008 passed by the Assistant Collector Ist Grade, Jhajjar by which an application filed by the contesting private respondents for cancelling of the resolution dated 02.08.1997 passed by the Gram Panchayat of the Village Shekhpur Jat, the gift deed dated 24.03.1988, mutation dated 28.07.2005 sanctioned on its basis and in pursuance of which plots were allotted to the petitioners were cancelled and the order dated 06.12.2011 by which appeal filed by the petitioners was dismissed by the Collector, Jhajjar.

Although, the petitioners have also filed the revision-petition before the Commissioner, Rohtak Division but their revision-petition was dismissed on the ground of want of jurisdiction.

During the pendency of the petition, the petitioners have filed an application bearing No. CM-10894-CWP-2018 under Order 1 Rule 10 (2) read with Section 151 CPC for seeking permission to transpose proforma

respondents, arrayed in the writ petition, as they also have the interest similar to the petitioners who could not join the petitioners at the time of filing of the writ petition due to lack of knowledge. Notice in the application was issued on 02.08.2018 to which no reply has been filed. However, learned State counsel has submitted that he has no objection if the said application is allowed.

In view thereof, proforma respondents are hereby transposed as petitioners No. 11 to 32 in the writ petition as they are also the residents of Village Shekhpur Jat and have the similar interest as that of the petitioners in the writ petition.

During the course of hearing, learned counsel for the petitioners has submitted that if the respondents have the reservation about the eligibility/qualification about the persons who are the members of the family of Sarpanch to whom plots have been allotted, then respondents may be directed to allot the plots to those petitioners who are fully eligible and qualified and against whom there is no allegation of favouritism etc.

Learned State counsel has not raised any objection in this regard rather he has supported the petitioners' case while submitting that the respondent State would look into the matter again and segregate the cases of those persons who have been found ineligible for the purpose of allotment of plots by virtue of resolution dated 02.08.1997 passed by the Gram Panchayat, Village Shekhpur Jat which is under challenge before this Court.

Thus, in view thereof, present petition is hereby disposed of and direction is issued to the respondent-State to look into the matter again and segregate the cases of those persons/petitioners who are otherwise eligible for the purpose of allotment of plots by virtue of the resolution dated 02.08.1997.

Needful shall be done within a period of two months from the date of receipt of certified copy of this order.

[RAKESH KUMAR JAIN]
JUDGE

November 16, 2018
Ess Kay

[ANUPINDER SINGH GREWAL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>