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

-:-

**C.M No. 13525-CWP of 2018 in/and
C.W.P No. 18334 of 2018 (O&M)
Date of decision: 14.09.2018**

Raj Singh

... Petitioner

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present:- Mr. Parminder Singh, Advocate, for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Kuldeep Sheoran, Advocate, for respondent No.2.

G.S.SANDHAWALIA, J. (Oral)

C.M No. 13525-CWP of 2018

After hearing learned counsel for the parties, application for impleading the applicant as respondent No.5 is allowed. Amended memo of parties is taken on record.

C.M stands disposed of.

C.W.P No. 18334 of 2018 (O&M)

The petitioner is aggrieved against the order of remand dated 05.07.2018 (Annexue P-5) passed by the Commissioner, Karnal Division, Karnal, whereby the matter has been remanded to the Collector after directing that Tehsildar Guhla should effect service upon the applicants and the case should be decided in the presence of the applicants. Resultantly the order dated 24.04.2018 (Annexure P-2) passed by the Deputy Commissioner, Kaithal, whereby the petitioner was appointed has been set aside.

A perusal of the order of Deputy Commissioner, Kaithal would

also go on to show that though there were as many as 12 applicants, but

the said persons had not appeared before the Tehsildar as per the report and in such circumstances only one person's case was considered. The said order cannot be held justified in any manner. Once, the persons who were also applicants it was for the Collector to ensure that all of them were present and service should have been effected upon them rather than place reliance upon them the endorsement made by the Tehsildar. All the persons were duly entitled to be considered and the Collector should not have only appointed one person on the basis of report of the lower authorities, which had prejudiced the rights of the other persons. In such circumstances, remand order cannot be unjustified in any manner and the Commissioner was justified in setting aside the order.

Accordingly the petition is dismissed.

September 14, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No