

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

Civil Writ Petition No.26270 of 2014

Balwinder Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

(2)

Civil Writ Petition No.15630 of 2015 (O&M)

Ajit Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

Decided on : 26.09.2018

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

Present : None for the petitioners.

Mr. Sudeep Mahajan, Addl. AG, Haryana.

Mr. V.B. Aggarwal, Advocate
for respondent No.6.

G.S. Sandhawalia, J. (Oral)

Challenge in the present two writ petitions filed under Article 226/227 of the Constitution of India is to the show cause notices dated 27.07.2011/19.08.2011 (Annexure P-5) and the consequential orders passed therein.

Resultantly, the possession was also handed over on 26.11.2014 (Annexure P-10) to the Gokal Chand-respondent No.6 who was an auction bidder in the year 1974 of 30 kanals 4 marlas of land. At one stage on 11.07.1974 (Annexure P-1) objections of Dhari Ram had been

allowed against the sale, which was challenged by filing CWP No.2402 of 1975, which was allowed on 18.11.1982 (Annexure P-3) by holding that the sale had wrongly been set aside by the Settlement Commissioner on the basis of no evidence. The said order was strangely challenged by the State and the LPA No.169 of 1982 was dismissed on 21.11.1990, which matter was taken to the Apex Court and the SLP also met with the same fate on 11.11.1991.

In the meantime show cause notices were issued to the petitioners who were in unauthorized possession of the land which was allotted to the Gokal Chand. An initial attempt was made to resist by filing a civil suit and get injunction which was declined and Civil Revision No.5831 of 2012 was dismissed on 03.10.2012 (Annexure R-6/5) on the ground that possession was being delivered to the auction purchasers and the plaintiffs had no title as such and injunction could not be granted against the true owner.

Eventually, the authorities right from the Commissioner (Sales) on 27.11.2012 (Annexure P-7), Commissioner, Ambala Division, Ambala on 08.08.2014 (Annexure P-8) and the Financial Commissioner on 28.04.2015 (Annexure P-12, in CWP No.15630 of 2015) have dismissed the appeals and revision filed by the present petitioners. It is pointed out that possession was also delivered on 26.11.2014 to Gokal Chand.

It, thus, seems that on this account none is appearing also on behalf of the petitioners. Even otherwise in the above facts and

circumstances, no case is made out to interfere in the well reasoned orders and the writ petitions are, accordingly, dismissed.

SEPTEMBER 26, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No