

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

CWP No. 20867 of 2018 (O & M)

Date of decision: 07.09.2018

Riyasat Ali

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. V.K. Jindal, Sr. Advocate,
with Mr. Sukesh K. Jindal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 12996-CWP of 2018

Application for placing on record lease deed dated 28.11.2003 as
Annexure P-16 is allowed, subject to all just exceptions.

The same is taken on record.

CWP No. 20867 of 2018

The petitioners challenge the order of the Collector dated 09.02.2017 (Annexure P-10) whereby, the case has been remanded to the Tesildar (Sales), Panipat with directions that the application filed by the heirs of Dhan Singh be disposed of and Riyasat Ali s/o Salamu, the present petitioner be allowed the undisputed land of the department in the District. The said order has been upheld by the Divisional Commissioner on 08/15.06.2018 (Annexure P-13) on the revision filed by the present petitioner.

The reasoning which weighed with the Commissioner is that as per the revenue record, through which it was proved that since 1963, the land in question has remained under the cultivating possession of Dhan Singh, predecessor-in-interest of respondents no. 5 to 7 in the present writ petition. It has been noticed that as per the Government Rules, the conditional land was

allotted to him and he has deposited the amount in the Government treasury and, therefore, it was not justifiable to allot the land to the present petitioner. The Collector also has noticed that the Custodian Department has also land in other places.

A perusal of the lease deed dated 28.11.1963 (Annexure P-16) in favour of Dhan Singh predecessor-in-interest of the private respondents would also go on to show in pursuance of the orders dated 29.08.1961, the land measuring 12 acres 2 kanals 10 marlas had been leased out to the said person for 5 years initially. It is on this basis the authorities have come to the conclusion that allotting any land to the petitioner herein out of the said land as such would be prejudicial to the interest of the respondents and resultantly, the matter has been remanded for reconsideration at the hands of the Tehsildar. The interest of the petitioner, thus, is duly protected as the matter is to be re-adjudicated upon as to which portion of the land they are entitled for. Nothing has been brought on record that the said Dhan Singh was ever evicted from the land which had been leased out to him and therefore prejudice would be caused to the private respondents who would have improved upon the land in their possession over the years.

In such circumstances, no case is made out for interfering in the well reasoned orders passed by the authorities below and the present writ petition is dismissed in limine.

07.09.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No