

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

**CWP No.5649 of 2014
Date of Decision:13.12.2018**

Gurnam Singh
Versus
....Petitioner

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Vikas Singh, Advocate for the petitioner.
Mr.Charanpreet Singh, AAG, Punjab.
Mr.Sardawinder Goyal, Advocate for respondent No.3.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Challenge in this petition is to the order dated 9.7.2007 (Annexure P-3) passed by Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala whereby the allotment made in favour of Niranjn Singh, predecessor-in-interest of the petitioner, of 76 Kanal as mentioned in the order dated 9.7.2007, has been cancelled.

Although various grounds have been taken for setting aside the said order but on perusal of the order dated 9.7.2007 passed by Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala it transpires that no notice has been sent to the allottee Niranjn Singh who had vested right on allotment as per 1973 scheme prior to passing of the order dated 9.7.2007 (Annexure P-3). This factum stands established that no notice was issued to Niranjn Singh from the reply filed by the State to the writ petition specially para No.6-(ii) where it is so admitted.

It is a settled proposition of law that any order affecting the civil rights of a party in any manner has to be given a hearing. The said principle having been violated, the order on this short ground can not

sustain and deserves to be set aside.

This court has not touched the merits of the case on any aspect but keeping in view the fact that the basic principle of natural justice, that is, *audi alteram partem* having been violated in the present case by passing the order dated 9.7.2007 this court exercises its extraordinary powers in quashing the order dated 9.7.2007 (Annexure P-3) passed by Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala.

In view of the above, present writ petition is allowed and the impugned order dated 9.7.2007 (Annexure P-3) is hereby set aside. Parties are directed to appear before the Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala on 16.01.2019 at 10:00 AM.

In the light of the fact that this is an old matter, direction is issued to the Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala to hear both the parties and grant them opportunity to file their responses and lead their respective evidence and finalise the matter within a period of one year from the date of appearance of the parties.

It is further clarified that the earlier order dated 9.7.2007 (Annexure P-3) as well as pleadings in the present writ petition shall have no bearing on the merits of the decision to be taken by Collector Agrarian-cum-Sub Divisional Officer, Tapa, District Barnala.

(AUGUSTINE GEORGE MASIH)
JUDGE

13.12.2018
raman

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No