IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2488 of 2010 (O&M)
Date of Decision : 24.05.2018

Sohan Singh

.....Appellant

Versus

Harbans Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Akash Singla, Advocate for the appellant.
Mr. Rakesh Kumar, Advocate for the respondents.
Mr. Charanpreet Singh, AAG, Punjab.

ARUN PALLI, J. (Oral)

In reference to the order dated 12.12.2016, passed by this Court, vide which, the State was arrayed as party to the lis, learned counsel for the parties submit that the requisite affidavit by the Deputy Commissioner, Kapurthala, dated 02.02.2018, has since been filed. And, the averments set out in para 3 and 4 thereof reads thus:-

> **3. "That Tehsildar, Kapurthala has replied that land comprising in khasra No.14//2/5/2/2-13, 32//12min west/3-0, 29//15/1/0-11, 16/1/2-5, 17//4min/3-10, 4min/2-10, 24/1min south/2-0, 25/1/min south/1-0, 32//11/2min east/2-0, 11/2min west/2-0, 20/2/4-0, 21/1/4-0, 22min/4-0, 37//5/2/5-16,**

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kitte 17 total land measuring 39 kanals-5 marlas situated in village Mander Bet. Dist. Kapurthala belongs to Central Govt. is available out of which 16 kanal land could be allotted to Sohan Singh.

4. That the Tehsildar has also reported that Sh. Sohan Singh, appellant has been apprised of the availability of land which can be allotted to him and directed to submit his option in this regard in writing vide letter No.527/SC dated 15.01.2018 (Copy of the letter is attached Annexure D-1) and appellant has not sent any consent in writing till date".

In response, learned counsel for the appellant submits that the appellant is ready to accept the allotment of a land measuring 16 kanals that is being offered by the State, and the express consent in this regard shall be furnished on behalf of the appellant to the State within a period of 4 weeks from today.

As to this, learned State counsel, upon instructions from Sukhjinder Singh, Jr. Assistant, D.C. Office, submits that upon receipt of the consent of the appellant for allotment of the proposed land, the requisite formalities shall be complied with, within a further period of four weeks. Where-after, the proposed land shall be allotted/transferred in favour of the appellant free from all encumbrances.

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In conspectus of the above, nothing substantive survives in this appeal and the same is disposed of, in the above terms. However, if still any dispute, cause of action or interest survives, the parties shall be at liberty to move an appropriate application for restoration of this appeal and its decision on merits.

24.05.2018 **(ARUN PALLI)**
Manoj Bhutani **JUDGE**

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

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