

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

Transfer Application No.632 of 2018
Date of Decision: August 06, 2018

Harbans Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - None .

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HARINDER SINGH SIDHU, J.

A communication dated 16.07.2018 sent by the Additional District Judge, SAS Nagar Mohali has been registered as Transfer Application, pursuant to the order dated 20.7.2018 passed by Hon'ble the Chief Justice of this Court.

In her communication dated 16.7.2018, the Ld. Additional District Judge, SAS Nagar Mohali has stated that Land Reference bearing LAC CIS No.70-2015, CNR No.PBSA01004434-2015 titled “Harbans Singh and others vs. State of Punjab” has been pending in her Court having been adjourned sine-die. An application has been moved by the claimants to transfer the Land Reference to District Rupnagar, as the acquired land is situated in District Rupnagar. It has been pointed out that as per order dated 3.5.2018 of Hon'ble Supreme Court in Civil Appeal No. 4764 of 2018 the case is to be disposed of within a period of three months from 3.5.2018.

It was requested that as the jurisdiction to try and decide the Land

Reference in question was with the District Judge, Rupnagar, therefore, it

be transferred to the Court of District Judge, Rupnagar.

The communication dated 16.7.2018 reads :

“Kindly refer to the subject cited above, it is submitted that the above referred land reference is pending before this court as sine-die and an application has been moved by the claimants for transfer of the present land reference to the learned District Judge, Rupnagar, as the land acquired in this case, is situated in the area of Village Charheri, Hadbast No.120 Tehsil Chamkaur Sahib, District Rupnagar. It is pertinent to mention here that as per the order dated 3.5.2018 passed by the Hon'ble Supreme Court in Civil Appeal No.4764 of 2018 arising out of SLP No.1948 of 2017, the Reference court has been directed to dispose of the present case within a period of three months from 3.5.2018. In these circumstances, as the jurisdiction to try and decide the present land reference is with the learned District Judge, Rupnagar, consequently, your honour is requested to transfer the file of the present Land Reference, as mentioned above, to the Court of learned District Judge, Rupnagar. (Original file of the above mentioned Land Reference is annexed herewith).”

A perusal of the *zimini* orders dated 9.7.2018 of the Court of the Additional District Judge, SAS Nagar Mohali reveals that in response to the transfer application filed by the claimants, Mandeep Singh, Supervisor from the office of the Market Committee Kurali appeared in Court and stated that he has no objection if the application dated 5.7.2018 moved by the claimants for transfer of the Land Reference is allowed and the case is transferred/ forwarded to District Court Rupnagar.

In view of above, the Land Reference bearing LAC CIS No.70-

State of Punjab” is withdrawn from the Court of Additional District Judge, SAS Nagar Mohali and transferred to Rupnagar. The District Judge, Rupnagar may assign the matter to a court of competent jurisdiction.

Transfer application stands disposed of accordingly.

A copy of this order alongwith the original file of the Land Reference be sent through Special Messenger to District Judge, SAS Nagar Mohali for compliance.

August 06, 2018

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(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/ reasoned: Yes

Whether Reportable: Yes/No