

CWP-4586-2019 (O&M)

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

**CWP-4586-2019 (O&M).
Decided on: February 21, 2019.**

Raja Ram and others

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

*** * ***

**PRESENT Mr.J.K.Goel, Advocate,
for the petitioners.**

JASWANT SINGH, J. (ORAL)

Six (6) petitioners namely Raja Ram, Rattan, Kalu, Jiwan, Prem, Puran, are stated to be residents of village Kunda Kalan, Tehsil and District, Karnal, Haryana. They claim to be in cultivating possession of agricultural land described in Khewat No.297 min/295, Khatoni No.368, Rect. No.45, Khasra No.1(8-0), 2(8-0), 3(8-0), 4(10-0), 5

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(8-0), 8(6-0), 9(10-0), 11(7-19), 12(6-13), total land measuring 72K 12 M, as per Jamabandi for the year 2014-15, situated at village Kunda Kalan, Tehsil and District Karnal, as co-sharers for the post 40 years although concededly the land in the revenue records is shown to be a ***shamilat deh***.

The grievance of the petitioners, set up in the instant petition, is that a part of the aforesaid land has been wrongly and illegally allotted to private respondent Nos.4 to 12 claiming themselves to be the descendants of one Ismail on the premise that the land was originally owned by the said Ismail and was wrongly declared as evacuee property since Ismail had never shifted to Pakistan. The claim of Ismail was accepted by a ***allotment Parchi***. The ***allotment Parchi*** was based on order passed by the Asstt. Custodian General, Haryana, camp at Gurgaon dated 30.12.1974, restoring the land to said Ismail. The unsatisfied claim was redressed vide order dated 6.9.2018 (Annexure P2), passed by the Additional Secretary Revenue-cum-Chief Settlement Commissioner, Haryana. The net result was that pursuant to said allotment, the private respondents through the agency of the State authorities have threatened the possession of the petitioners.

Counsel for the petitioners has tried to impugn order dated 6.9.2018 (Annexure P2), by arguing that the said allotment is contrary to the facts existing at the site as well as the settled law.

At the time of hearing, counsel for the petitioners concedes that proper remedy is to seek a declaration through civil Courts. Concededly the petitioners have already filed a civil suit for permanent

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injunction (Annexure P3), to protect their possession.

In the light of aforesaid, counsel for the petitioners prays for permission to withdraw the instant writ petition to enable his clients to seek their remedy in accordance with law.

Dismissed as **withdrawn** with aforesaid liberty.

(JASWANT SINGH)
JUDGE

February 21, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

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