

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-5080-2019

Date of decision: 26.03.2019

PREM SINGH

...PETITIONER

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Randeep Singh, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

Mr. Sumeet Goel, Advocate,
for Gurpreet Singh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this court praying for quashing of the Mutation No. 933 dated 08.10.1986 whereby the ownership of the disputed land has been wrongly and illegally transferred in the name of the custodian department by virtue of impugned letter dated 03.02.1977 (Annexure P-2) issued by the Government of Haryana without giving opportunity of hearing to the petitioner.

On the last date of hearing, when the case was taken up at the initial stage i.e. 26.02.2019, following order was passed:-

“ Counsel for the petitioner contends that after passing of the order dated 05.04.2018 (Annexure P-3) by the Collector, Guhla, the land stands redeemed from the Custodian Department. Despite the said order having been passed and the petitioner having approached the respondents for carrying out the necessary corrections/mutations in the revenue record, the

same has not been done till date.

Let four copies of the writ petition be handed over to Mr. Manish Dadwal, AAG, Haryana, who shall seek instructions with reference to the submissions made by the counsel for the petitioner.

List on 26.03.2019.”

In pursuance thereto, counsel for the State had to seek instructions in the matter.

Order dated 20.12.2018 passed by the Additional Civil Judge (Senior Division), Guhla in Civil Case No. 521 of 2018 has been produced, wherein petitioner is very much a party and is represented through a counsel. In the said civil suit, after hearing the parties, operation of the impugned order therein, dated 05.04.2018 (Annexure P-3) has been stayed till the decision of the pending injunction application.

This factum has not been disclosed by the petitioner in the writ petition. It is apparent that the petitioner has tried to over-reach the Court and the Court would not further like to comment upon the matter.

Counsel for the petitioner, at this stage, prays for withdrawal of the writ petition.

The permission, as prayed for, is granted to the petitioner and the writ petition is ordered to be withdrawn but subject to costs of ₹5,000/- to be deposited with the High Court Legal Services Authority, Haryana.

Dismissed as withdrawn subject to above.

March 26, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No