

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-5686-2019

Date of decision: 24.05.2019

SUBHASH AND OTHERS

...PETITIONERS

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Manocha, Advocate,
for the petitioners.

Mr. Pradeep Prakash Chahar, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 01.03.2019, following order was passed by this Court:-

“ Counsel for the petitioners undertakes to supply four copies of the writ petition to Mr. Manish Dadwal, Assistant Advocate General, Haryana, during the course of the day under proper receipt, who shall seek instructions from respondents 2 to 5 with regard to the assertion of the counsel for the petitioners that the partition proceedings, which had attained finality between the petitioners and respondents 6 to 27, are not being given effect to despite the Assistant Collector Ist Grade, Guhla, having issued warrants of possession. The police help has also been sought but still the possession of the land, as per the sanad taksim issued, is not being handed over.

List on **03.04.2019.**”

and on the next date of hearing i.e. 03.04.2019, the following order was

passed:-

“ Learned counsel for the State, on instructions from Mr. Suresh Chand, Kanungo, Halqa Kharkan, Tehsil Guhla, Kaithal, asserts that the crop is standing on the land and it will be harvested by 30.04.2019. Possession of the land will be handed over to the petitioner within a period of three weeks thereafter i.e. on or before 21.05.2019.

It goes without saying that respondents 2 to 5 will make an endeavour to give effect to the warrant of possession as issued by the competent authority.

List on **24.05.2019** for compliance report.”

Counsel for the State, on instructions from Sh. Suresh Chand, Kanungo, halqa Kharkan, Tehsil Guhla, Kaithal, makes a statement that the possession of the land has been handed over to the petitioners on 01.03.2019 vide Rapat Rojnamcha No. 304 and 305 dated 17.05.2019. Letter of Tehsildar Guhla dated 21.05.2019 in this regard has been placed on record.

Counsel for the petitioners has stated that he has no instructions.

In the light of the statement made by the counsel for the counsel for the State, the present writ petition is disposed of with liberty to the petitioners to revive the writ petition in case the statement, as given by the counsel for the State, on instructions, is found to be incorrect.

May 24, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No