

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

122

Civil Writ Petition No.11031 of 2019
Date of Decision: September 5th, 2019

Jagdish Lal and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 17.05.2019, following order was passed:-

“Counsel for the petitioners has filed an affidavit of petitioner No. 3 in compliance with the order passed by this Court on 29.04.2019, according to which, the application for allotment of land in question is still under consideration and no order has been passed on the same and no date has been given despite specific recommendations by the authorities.

Let two copies of the writ petition be handed over to Mr. Manish Dadwal, AAG, Haryana, during the course of the day along with the copy of the affidavit of petitioner No. 3.

Counsel for the State shall verify the assertion of the petitioners that the application for allotment of land is still under consideration and there are recommendations in favour of the petitioners.

If that be so, let a decision on the said application be taken by the competent authority in accordance with law prior to the next date of hearing.

List on 05.09.2019.”

In pursuance to the said order, written statement on behalf of respondents 1 and 2 has been filed, where in para 4 of the preliminary

“4. That it is further submitted that the petitioner No. 1 filed and (sic.-an) application before the respondent No. 1 for transfer of the land in question in his favour. Respondent No. 1 vide order dated 18.06.2013 dismissed the same in limini in case No. 5 of 2013. Aggrieved against this he- (petitioner No. 1) filed Civil Writ Petition No. 15403 of 2013 before this Hon'ble Court which was also dismissed vide order dated 19.07.2013. It is also submitted that Tehsildar (Sales), Ambala-respondent No. 2 has also rejected the application of the petitioner No. 1 vide order dated 15.07.2014 as the ownership of the land in question has been changed in the name of municipal corporation, Ambala City vide mutation No. 971, dated 26.10.2012 and as such no application is pending with respondent No. 2. Further action in the matter is to be taken by Municipal Corporation, Ambala City.”

The plea of the learned counsel for the petitioners that this order has not been conveyed by the respondents to the petitioners is not acceptable in the light of the fact that the writ petition was preferred by the petitioners in the year 2013.

The additional affidavit dated 17.05.2019 as filed by Amarjit Singh-petitioner No.3 does not appear to be factually correct.

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

Dismissed as withdrawn as prayed for.

September 5th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No