

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-14874-2017

Date of decision: 08.02.2019

PARVEEN KUMAR AND OTHERS

...PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Som Nath Saini, Advocate,
for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court, who are the purchasers of the land in dispute from the previous transferee of the land under the Punjab Package Deal Properties (Disposal) Act, 1976.

It is the contention of the learned counsel for the petitioners that on the basis of the letters dated 25.09.2005 and 08.10.2002, the revenue record was changed in the name of the Government instead of the transferee and the purchaser thereof. Petitioners had challenged the said action of the respondents being violative of the principles of natural justice as no notice has been issued to the petitioners prior to the change in the mutation.

Reply to the writ petition has been filed, according to which, it is admitted that in a similar matter i.e. CWP No. 25855 of 2015 titled as Paramjit Singh and others vs. State of Punjab and others, decided on

07.12.2016, directions have been issued by this Court to the competent authority to issue a show cause notice to the allottees and to give them an opportunity of being heard. After granting an opportunity of being heard to all the affected parties (which, in the considered view of this Court, would include the subsequent purchasers as well), the competent authority shall be at liberty to pass fresh orders but only after keeping in view the provisions of the Amendment Act No. 9 of 2016 known as The Punjab Package Deal Properties (Disposal) Amendment Act, 2016.

In view of the above and keeping in view the judgment passed by this Court in CWP No. 25855 of 2015 titled as Paramjit Singh and others vs. State of Punjab and others, decided on 07.12.2016, Mutation No. 538 dated 14.01.2016 (Annexure P-6) is hereby set aside with liberty as per the judgment passed in above-referred to judgment to the respondents.

Writ petition stands disposed of accordingly.

February 08, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No