

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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**CWP-6107-2016 &
CM-6098-CWP-2019 &
CM-8222-CWP-2019 &
CM-8271-CWP-2019**

Date of decision: 28.05.2019

M/S CAPRICE BUILDERS AND CONSTRUCTION PVT LTD

...PETITIONER

VS.

**FINANCIAL COMMISSIONER DISASTER MANAGEMENT &
REVENUE HARYANA & ORS**

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Bunker, Advocate,
for the petitioner/applicant in C.M. No. 6098 of 2019.

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

Mr. Shekhar Verma, Advocate,
for the applicants/respondents No. 3(i) to 3 (vii) in
C.M. No. 8222 of 2019 and for the applicant/respondents No. 4
to 11 in C.M. No. 8271 of 2019.

Ms. Jaspreet Kaur Somal, Advocate,
for Mr. Ashish Yadav, Advocate,
for respondent No. 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-8222-CWP-2019

Prayer in this application is for impleading the legal heirs of
Sh. Hans Raj-respondent No. 3, who is stated to have died on 03.02.2018
during the pendency of the writ petition. The details of the legal heirs of
respondent No. 3 are given in para-3 of the application. It has further been

stated that the said persons may be impleaded as legal heirs of the deceased respondent No. 3. The application is supported by the affidavit of Ram Kumar son of Sh. Hans Raj.

Notice of the application to the counsel for the petitioner as well as the counsel for the State and respondent No. 3. They state that they have no objection to the prayer made in the application.

In view of the above, the present application is allowed subject to just exceptions. The persons, as mentioned in para-3 of the application, are impleaded as legal heirs of deceased respondent No. 3-Hans Raj. The amended Memo of Parties appended along with the application is taken on record. Registry is directed to place the same at the appropriate stage of the case.

CM-8271-CWP-2019

Prayer in this application is for impleading the applicants as respondents No. 4 to 11 in the above-mentioned writ petition in the light of the fact that they are either the legal heirs of the original co-sharers of the property which is subject matter of partition or are subsequent purchasers from them and, therefore, would be necessary proper parties to the *lis*.

Notice of the application to the counsel for the petitioner as well as the counsel for the State.

Counsel for the petitioner as well as counsel for the respondents in the writ petition state that they have no objection to the prayer made in the application.

In view of the above, the present application is allowed subject to just exceptions. The amended Memo of Parties appended along with the application is taken on record by impleading the applicants as respondents

No. 4 to 11. Registry is directed to place the same at the appropriate stage of the case.

CWP-6107-2016 &
CM-6098-CWP-2019

An application has been moved for disposal of the writ petition in the light of the compromise which has been entered into between the parties and the other co-sharers of the land, which was the subject matter of the partition including the persons who are subsequent purchasers of the property in question.

Notice of the application to the counsel opposite.

Counsel for the respondents accepts notice and counsel for the private respondents acknowledges the factum of compromise which has been entered into between the parties dated 03.12.2018 (Annexure P-18). Along with the said compromise, there is a Site Plan, which has been appended as Annexure P-19 which also is not disputed by the counsel for the private respondents.

It has been asserted by the counsel for the petitioner as well as the private respondents that in the light of the compromise, which has been entered into between the parties, as depicted in Annexure P-18 as also the Site Plan (Annexure P-19), the order passed by the Financial Commissioner, Disaster Management and Revenue, Haryana-respondent No. 1 dated 24.09.2015 (Annexure P-13) be set aside and the *Naksha Zeem* as well as the *Sanad Takseem* be now issued as per the compromise and the Site Plan, Annexures P-18 and P-19 respectively.

Counsel for the State has no objection in the light of the fact that it is a partition matter no interest of the State is involved.

In view of the above, the present writ petition is allowed in the light of the compromise, which has been entered into between the parties dated 03.12.2018 (Annexure P-18) and the respective shares, as depicted in the Site Plan (Annexure P-19) including the location thereof. The impugned order dated 24.09.2015 (Annexure P-13) passed by the Financial Commissioner, Disaster Management and Revenue, Haryana-respondent No. 1 is, hereby, set aside.

A direction is issued to the Assistant Collector First Grade, Gurgaon-respondent No. 2 to prepare the amended *Naksha Zeem, Sanad Takseem* and other revenue records keeping in view not only the compromise dated 03.12.2018 (Annexure P-18) as also the Site Plan (Annexure P-19).

The needful be done at the earliest and in any case, not beyond the period of three months. The said authority shall, however, take into consideration the fact that all the parties to the lis are present or have entered into the compromise.

May 28, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No