

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

CWP 32578/2018

Date of decision:25.03.2019

Lakhmi

.....Petitioner

v.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr. CS Jattana,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

By filing this writ petition under Article 226/227 of the Constitution, petitioner seeks a writ in the nature of mandamus directing the respondents to comply with the judgment passed by this Court in CWP 314/2001 titled **Suraj Bhan and others v State of Haryana and others** with a further prayer to decide his legal notice dated 22.10.2018 (P-25).

Briefly noticed petitioner is a resident of Village Salempur, Tehsil Guhla, District Kaithal and belongs to Backward Class, allegedly having no personal land. It is averred in the petition that in the year 1960 Government permitted landless persons to cultivate the forest land in the area of Salempur, Cheeka, Guhla and Pehowa, like an owner by framing a policy. It is averred that father of the petitioner namely Amru cultivated 25 kanals 1 marl of land from 1959-60 till his death and after his death the said land was cultivated by petitioner. It is next averred that in the year 1982 Municipal Committee Cheeka was constituted and vide notification dated

18.5.1982, 864 kanals 11 marlas of the aforesaid land was transferred in favour of MC Cheeka vide mutation no.956. Thereafter vide notification dated 2.1.1996, 803 kanals 15 marlas of land was again mutated in favour of MC Cheeka vide mutation no.1247 dated 11.6.1996. Due to this mutation land of petitioner was also mutated in the name of MC Cheeka. On 1.2.2000 MC Cheeka filed a suit against the petitioner by pleading that MC Cheeka was owner of the land which vested in it vide aforesaid notifications/mutations. The suit of MC Cheeka was decreed on 16.9.2006. Aggrieved against the same petitioner filed an appeal before Distt. Judge, Kaithal which stood dismissed on 15.11.2007. RSA filed by petitioner before this Court was also dismissed vide judgment dated 17.9.2009.

Now in the instant petition it is claimed that all the notifications vide which land was transferred in favour of MC Cheeka have been declared null and void by a Full Bench of this Court in **Suraj Bhan and others v State of Haryana and another**, 2017(2)RCR (Civil)934. It is stated that Civil Revision No.5703/2018 involving identical issue is pending in which status quo has been granted. It is claimed that petitioner is still in cultivating possession of the suit land measuring 13 kanals 16 marlas and owns no other land in his name. It is grouse of the petitioner that Government of Haryana on 16.6.2011 issued notification for inviting application from Dholidar, Butimar, Bhondedar or Muqararidar for conferment of proprietary rights of land in dispute situated in Village Salempur and petitioner moved such an application before Collector, Kaithal which is still pending and on the other hand MC Cheeka has sought to lease out the land in dispute by way of auction, whereas in view of judgment in

Suraj Bhan's case (supra) the land in dispute no more vests in MC Cheeka.

Heard learned counsel.

It is not disputed that the judgment in Suraj Bhan's case supra is prospective in nature and not retrospective and hence not applicable to the facts of the present case. It is further not disputed that after dismissal of RSA filed by the petitioner in the year 2009, no further judicial remedy was availed and the matter stands settled.

At this stage, learned counsel seeks permission to withdraw the present petition.

Dismissed as withdrawn.

(Jaswant Singh)
Judge

25.03.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No