

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

117

CWP-8301-2020

Date of decision: 19.06.2020

Lachhman Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Mamli, Advocate for the petitioners.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioners have filed present petition under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari, mandamus or in any other nature directing the respondents to calculate the price of the land measuring 94 Kanals 3 Marlas in question along with interest in view of the judgment passed by this Court in CWP No.1414 of 1984 and to direct the respondents to execute the sale deed in favour of the petitioners after receiving the above-said amount.

Learned Counsel for the petitioners has submitted that lease of evacuee property comprising of land measuring 94 Kanal 3 Marlas in favour of Gian Kaur was challenged on the ground that Gian Kaur did not take possession thereof. The land was resumed and leased out for 5 years from 12.05.1957. On completion of the above-said period the same was again leased out for a period of 20 years from 12.03.1962 but the lease was purportedly cancelled vide orders dated

03.08.1962 and 27.09.1962 and was allotted to Bishan Singh who purported to sell the same to Kartar Singh and others. Pannu Singh father of petitioners No.1 to 3 and Mal Singh father of petitioners No.4 to 7 filed Civil Writ Petition No.1414 of 1984 challenging the same which was decided in their favour vide order dated 07.11.2011 whereby the State was directed to refund the amount received from respondents No.4 to 8 therein with interest at the rate of 12% per annum and sell the land for the same amount which was deposited by respondents No.4 to 8 therein as sale consideration to the petitioners therein who were also made liable to pay interest at the rate of 12% per annum from the date of application till the date of sale in favour of the petitioners therein. Inerjit Singh and others filed LPA No.1116 of 2012 which was dismissed by Division Bench of this Court vide order dated 14.08.2013. Inerjit Singh and others filed SLP before Hon'ble Supreme Court which was dismissed vide order dated 25.09.2019. The present petitioners made representation to the respondents to calculate the price and interest of the land but no action has been taken on the representation. The petitioners would be satisfied if a direction is issued to the respondents to consider their representation and dispose of the same by speaking order.

Notice of motion.

Mr. Gaurav Jindal, Addl. AG, Haryana has accepted notice on behalf of the respondents.

Copy of the paper book has already been supplied to learned State Counsel.

Learned State Counsel has no objection if the petition is

disposed of with a direction to respondent No.3 to dispose of the representation of the petitioners.

In view of the facts and circumstances of the case and no objection of learned State Counsel, the petition is disposed of with a direction to respondent No.3-Tehsildar (Sales), Fatehabad, District Fatehabad to look into the matter and to dispose of the representation dated 09.01.2020 (Annexure P-4) of the petitioners in accordance with law by way of passing a speaking order expeditiously preferably within a period of three months from the date of receipt of a copy of this order.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.3 through e-mail for information/requisite compliance.

19.06.2020

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No