

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 8371 of 2014

Date of Decision: January 10, 2020

Ram Karan

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Bains, Advocate
for the petitioner

Mr. Manish Dadwal, AAG Haryana

Mr. Rakesh Nehra, Advocate
for respondents No. 4 to 9, 11 to 21

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Sudhir Mittal, J. (Oral)

The petitioner alleges that he is the tenant on the land in dispute. His eviction could not have been sought by the private respondents as they themselves were tenants. Thus, the learned Assistant Collector Ist Grade, Bahadurgarh vide order dated 25.08.2005 had directed the parties to get the question of title to be decided from the Civil Court. The appellate and revisional authorities were in error in reversing this order on the ground that the will of the original owner of the land and mutation based thereupon were never challenged by the petitioner.

Learned counsel for the private respondents submits that the Financial Commissioner, Haryana vide the impugned order dated 13.07.2012 had remanded the case to the Assistant Collector Ist Grade, Bahadurgarh for fresh decision. Thereafter, the Assistant Collector Ist Grade, Bahadurgarh had decided the matter

vide order dated 09.08.2017 and had ordered the ejectment of the petitioner. Thus, this petition has been rendered infructuous and the petitioner has to challenge the order of the Assistant Collector Ist Grade, Bahadurgarh.

There was no stay of proceedings before the Assistant Collector Ist Grade, Bahadurgarh during the pendency of this writ petition, thus, the Assistant Collector Ist Grade, Bahadurgarh has proceeded and decided the issue on the basis of remand order. Thus, the present petition has been rendered infructuous and is disposed of as such. The petitioner would be at liberty to challenge the order dated 09.08.2017 passed by the Assistant Collector Ist Grade, Bahadurgarh in accordance with law. The Appellate Authority shall decide the issue of limitation in accordance with law.

January 10, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No