

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

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**CWP-1224-2021 (O&M)  
Date of Order:23.02.2021**

**KANTO AND ORS**

**..Petitioners**

**Versus**

**STATE OF HARYANA AND ORS**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. P.S. Jammu, Advocate,  
for the petitioners.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

**ANIL KSHETARPAL, J(Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226/227 of the Constitution of India, the petitioners pray for issuance of a writ in the nature of certiorari for setting aside order the dated 03.11.2020 (Annexure P-10) passed by the Sub-Divisional Officer (Civil) cum-Authority under the Haryana Utilization of Surplus and other Area Scheme, 1976 (hereinafter referred to as “the 1976 Scheme”).

On 21.01.2021, while issuing notice of motion, the following order was passed:-

*“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.*

*The predecessor of the petitioners was allotted land under the Haryana Utilisation of Surplus and Other Areas Scheme, 1976. The big land owners challenged the aforesaid allotment by filing a civil suit on 17.01.1984 in which injunction from dispossession was granted.*

*Learned counsel for the petitioners contends that in view of Clause 9 of the Haryana Utilisation of Surplus and Other Areas Scheme, 1976, first installment of the amount was payable within 30 days from the date of delivery of possession. He submits that the petitioners*

*have not deposited the first installment as the allotment authority was unable to deliver the possession. He contends that in the absence of delivery of possession, the allotment in favour of the predecessors of the petitioners could not be cancelled on the ground that the petitioners have not deposited the amount.*

*Notice of motion.*

*Mr. Samarth Sagar, Additional Advocate General, Haryana, accepts notice and seeks time to file reply.*

*List on 23.02.2021, for arguments.*

*Reply, if any, be filed before the next date of hearing with a copy in advance to counsel for the petitioners.”*

Ms. Kirti Singh, Deputy Advocate General, Haryana, has submitted that let the authority under the 1976 Scheme be permitted to pass a fresh order after considering all aspects of the matter.

She fairly states that the impugned order passed is wholly non-speaking and does not take into consideration the various clauses of the 1976 Scheme.

In view of the fair stand of learned counsel appearing for State of Haryana, the order under challenge dated 03.11.2020 passed by Sub-Divisional Officer (Civil), Sirsa, is set-aside with a direction to pass a fresh order after taking into consideration the entire Scheme of 1976.

Needless to observe that such an order shall be passed after granting an opportunity of hearing to the petitioners and other concerned. It is expected that the Sub-Divisional Officer will keep in mind that the allottees under the Scheme usually belong to down-trodden families and have little say against the might of the big land owners. The necessary order be passed within a period of three months positively.

With these observation, the present writ petition is disposed of.

**February 23, 2021**

**Ayub/nt**

Whether speaking/reasoned

Whether reportable

**(ANIL KSHETARPAL)**  
**JUDGE**

: Yes/No

: Yes/No