

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9969 of 2021 (O&M)
Date of decision: 19.05.2021

Phool Singh and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

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

Ritu Bahri, J.

Notice of motion.

On the asking of the Court, Mr. Hitesh Pandit, Addl. A.G., Haryana, accepts notice on behalf of respondent-State and is not able to dispute that in similar matter i.e. CWP No.9460 of 2021, titled as **Joginder Singh (since deceased) through his LR's vs. State of Haryana and others** (decided on 05.05.2021), impugned orders dated 27.03.2019 and 24.11.2020 (Annexures P-3 and P-4) have been set aside and the matter has been remanded back for a fresh decision.

In **Joginder Singh's** case (CWP-9460-2021) (supra), the issue was that the petitioner(s) could not deposit penalty of Rs.4000/- per acre from the year 2009 and on this ground, their appeal had been dismissed by the appellate authority. In that case, reference was made to the judgment passed by the Full Bench of this Court in **Ranjit Singh vs. State of Haryana**

and others, 2012 (2) RCR (Civil) 353, wherein it was held that on account

of non payment of penalty, the Collector cannot dismiss the appeal.

Since in the aforesaid petition i.e. CWP No.9460 of 2021, the challenge was to the impugned orders dated 15.02.2018, 27.03.2019 and 24.11.2020 (Annexures P-2, P-3 and P-4), this petition is being disposed of in the same terms as in Joginder Singh's case (supra) (CWP No.9460 of 2021). The matter is remanded to the Collector, Yamuna Nagar, District Yamuna Nagar to decide the appeal and pass order on merits on the basis of material placed on record.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

19.05.2021
ajp

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