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

CWP-8202-2021

Date of decision : 09.04.2021

Mukesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Anil Kumar Lamdharia, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The petitioner challenges the order dated 05.02.2019 (Annexure P-1) passed by the Sub Divisional Officer, (Civil) and Prescribed Authority, Jhajjar, wherein land measuring 24 kanals which is stated to be under the possession of petitioner is stated to be allotted to private respondent Nos.4 to 14, as a measure of rehabilitation being surplus land.

The grouse of the petitioner is that he was not made the party in the proceedings and without giving him any opportunity of hearing, the impugned order has been passed. It is the case of the petitioner that the representation as such has been filed on 12.02.2021 to the Additional Deputy Commissioner, Jhajjar (Annexure P-7) for the said illegality. Even, a request for lodging the FIR as such has also been filed. A perusal of the said

representation would go on to show that there are averments that instead of 12 kanals 24 marlas, the allotment was done of 24 kanals 12 marlas. Reference is also made to a Civil Suit filed by Thakur Nandu Singh. It is the allegation of the petitioner that the Additional Deputy Commissioner vide communication dated 12.01.2021 and 09.03.2021 (Annexures P-8 and P-9) has written to Tehsildar that the matter be looked into.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the official respondents.

Keeping in view the above, this Court is of the considered opinion that it is always open to the petitioner to approach the concerned authority for recall of the order or file an appeal against the impugned order for redressal of his grievance if he was not associated with the proceedings at that point of time, before approaching this Court at the first instance.

In such circumstances, the present writ petition is disposed of with liberty to the petitioner to approach the concerned authority or file an appeal against the impugned order for redressal of his grievance in accordance with law.

09.04.2021

Pawan

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No