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

CWP-4347-2022 (O&M)

Date of Decision: September 13, 2022

SOHAN LAL AND ORS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. G.C. Shahpuri, Advocate for the petitioners.

Mr. Raman Sharma, Addl. AG, Haryana.

Ms. Ishita Jain, Advocate for respondent No. 5.

LISA GILL, J.

Prayer in this writ petition is for directing the respondents to hand over physical possession of 100 sq. yards plots allotted to the petitioners and other eligible persons in village Kanhari Kalan, District Yamuna Nagar on the basis of execution and registration of gift deeds and mutation thereof entered in the revenue record in favour of the petitioners and other persons.

It is submitted that gift deeds were executed in favour of the petitioners and other eligible persons and mutation in favour of the petitioners was sanctioned on 11.03.2020. Grievance of the petitioners is that possession of said 100 sq. yards plots had not been delivered to them till filing of this writ petition.

Vide order dated 07.03.2022, Co-ordinate Bench had directed

Principal Secretary to Government of Haryana, Development and Panchayats

Department, Chandigarh to ensure that vacant possession of plots to the petitioners and other similarly placed persons of the village is handed over after holding draw of lots within a period of three weeks. Following order was passed on 19.07.2022:-

“ Learned counsel for the petitioners as well as the counsel for the State acknowledge the fact that 199 persons have been allotted plots and possession has been handed over to them and the remaining 105 persons have to be handed over possession of the land/plot after the draw of lots having been conducted. The said exercise would have been completed by now but because of the fact that there is a glitch in the website of the NIC because of which the appointment for registration of gift deeds could not be obtained.

Counsel for the State, on instructions from Mr. Raja Ram, BDPO, Mustafabad, is unable to give a specific time-frame for the said purpose.

In the light of the above, we are of the opinion that the needful should be done through manual process and the subsequent process with regard to uploading of the same can be carried out at a later stage.

The needful, therefore, now be completed within a period of four weeks from today.

As regards the application under Section 10 (A) of the Punjab Village Common Lands (Regulation) Act, 1961, which has been preferred by the applicants in CM No.4901-CWP of 2022, the same is an independent remedy in which it is an admitted position that the notice has been issued to the respondents and the same is pending consideration before the competent authority.

It is clarified that any observation made by this Court in this writ petition shall have no bearing on the proceedings in pursuance to the application under Section 10-A of the said Act. The competent authority may proceed in accordance with law.

List for further consideration on 13.09.2022.”

Learned counsel for the State, on instructions from Sh. Hitesh, BDPO, Sarswati Nagar informs that possession of plots measuring 100 sq. yards to the remaining 105 persons has also been handed over, therefore, this writ petition is rendered infructuous.

However, learned counsel for the petitioners at this stage submits that gift deeds were executed in favour of 22 more persons, who had unfortunately died but their legal representatives are entitled to possession of plots in question. It is to be noted that there is no such detail of the said 22 persons on record and neither is the same forthcoming in Court today.

Learned counsel for the State submits that in case, legal representatives of the said 22 persons approach the authorities with requisite documents, competent authority shall look into the matter and their claim regarding entitlement to possession of 100 sq. yards plot, shall be decided within two months of submission of the applications and necessary action shall be taken accordingly.

Keeping in view the facts and circumstances as above, no further order is called for in this writ petition. It is, however, directed that in case, legal representatives of 22 persons, in whose favour gift deeds are stated to have been executed as well, approach the competent authority within two weeks with complete and requisite documents, necessary action be taken thereon in view of statement as above of learned counsel for the State. It is reiterated that any observation in this order or previous orders in this writ petition, shall have no

bearing on the pending proceedings under Section 10(A) of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to the State of Haryana).

Writ petition is, accordingly, disposed of. Pending miscellaneous applications are also disposed of accordingly.

(LISA GILL)
JUDGE

September 13, 2022
Rts

(HARSH BUNGER)
JUDGE

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