

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

Sr. No.255

**Civil Writ Petition No.10645 of 2020 (O&M)
Date of Decision : October 27, 2022**

Harbans Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Arun Bansal, Advocate with
Mr. Anubhav Bansal, Advocate and
Ms. Anju, Advocate, for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Rajesh Bansal, Advocate, for respondent No.3.

Mr. Vishal Aggarwal, Advocate, for respondent No.5.

SUDHIR MITTAL, J. (ORAL)

CM-5623-CWP-2021

Since the main case is listed today, present application has been rendered infructuous.

Disposed of as having been rendered infructuous.

CM-5624-CWP-2021

This application has been filed for bringing on record LRs of deceased Harbans Singh (Petitioner).

For the reasons stated in the application, the same is allowed subject to all just exceptions. Legal representatives of deceased Harbans Singh (Petitioner) mentioned in paragraph 2 are brought on record.

Amended memo of parties is taken on record.

CWP-10645-2020 (O&M)

Vide communication dated 09.07.2020 (Annexure P-16) issued by Naib Tehsildar (Sales) Ambala, the petitioner had been directed to

produce succession certificate in his favour. Aggrieved, the present writ petition was filed.

Learned counsel for the petitioner submits that the aforementioned communication has been withdrawn vide communication dated 11.04.2022 and thus, a direction be issued to the official respondents to issue sale certificate in favour of the petitioner.

Learned State counsel submits that even after withdrawal of communication dated 09.07.2020, a sale certificate cannot be issued in favour of the petitioner as respondent No.3 is contesting the right of the petitioner to receive the same. Thus, sales certificate can only be issued after decision of the dispute.

Learned counsel for the petitioner submits that a civil suit was filed by respondent No.3 challenging the Will in favour of the petitioner which was dismissed. First appeal has also been dismissed. Presently, Regular Second Appeal is pending adjudication but no stay has been granted and thus, there is no hindrance in issuance of the sales certificate.

Thus, the writ petition is disposed of with a direction to respondent No.4 to decide the dispute between the petitioner and respondent No.3 by passing a speaking order within eight weeks from the date of receipt of a certified copy of this order and keeping in view the decision of the Civil Court.

Pending miscellaneous application, if any, stands disposed of.

October 27, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No