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CWP-23878-2022**

**NIRMAL SINGH
VS
STATE OF PUNJAB AND OTHERS**

Present: Mr. Akshay Bhan, Sr. Advocate with
 Mr. Shantanu Bansal, Advocate
 for applicant-respondent Nos.5(i), (ii), (iii) and (iv).

 Mr. Ferry Sofat, Addl. A.G. Punjab,
 for respondent Nos.1 to 3.

 Mr. Varinder Singh Rana, Advocate for the petitioner.

 This is an application filed under Article 226 of the Constitution of India read with Sections 114 and 151 of CPC for review of judgment dated 11.01.2023 (Annexure R-1) passed by this Court in writ petition bearing No.CWP-23878-2022 titled as “Nirmal Singh Vs. State of Punjab and others”, vide which, this Court had disposed of the writ petition with directions to respondent No.2 to decide ROA No.1-2/1975-76 re-numbered as 01/Misc/2018 titled as “State Vs. Guru Amarjit Singh and others” pending in the Court of District Collector (Agrarian)-respondent No.2, within a period of three months from the date of receipt of certified copy of the said order.

 Learned Senior Counsel for applicant-respondent Nos.5(i), (ii), (iii) and (iv) has filed the present application and has submitted that the dispute, in the present case, pertains to declaration of permissible area and surplus area in possession and cultivation of the applicants under the Punjab Land Reforms Act, 1972 and the same was sought to be expedited by way of the writ petition.

Learned Senior Counsel for applicant-respondent Nos.5(i), (ii), (iii) and (iv) has referred to the provisions of law in order to highlight the fact that choice has been provided to the landowner with respect to the selection of the permissible area based upon which an inquiry is to be conducted and an order determining the permissible area and the surplus area is to be passed. It is submitted that the State of Punjab had proposed to acquire the land measuring 56 acres for setting up a new Mandi Township at Kartarpur in the year 1979-80 and out of the said land, land measuring 97 kanals belonging to the predecessor of the applicants was also sought to be acquired and ultimately, Notifications under Sections 4 and 6 of the Land Acquisition Act, were issued and the said Notifications were the subject matter of writ petition bearing No.CWP-12137-1998 and in the said writ petition, a status quo order was initially passed and thereafter, by taking into consideration the provisions of Section 24(2) of the Land Acquisition Act, 2013, the writ petition was allowed and the State of Punjab had filed an SLP against the said order passed in the abovesaid writ petition and the Hon'ble Supreme Court was pleased to grant status quo with respect to the land in question and the said SLP is pending adjudication. It is contended that in light of the said fact, the applicants are not able to select the permissible area of their choice and the said exercise would be carried out after the decision of the Hon'ble Supreme Court is rendered in the abovementioned SLP. It is stated that since, the order of the Hon'ble Supreme Court was not brought to the notice of this Court, thus, the final order passed in the present writ petition be recalled and liberty be granted to the present applicants to file a written statement in the main case so that an order can be

passed in the writ petition after considering all the aspects.

Learned counsel for the petitioner has submitted that the petitioner was not aware of the order passed by the Hon'ble Supreme Court in SLP No.29155 of 2015 as the petitioner was not a party in the said matter before the Hon'ble Supreme Court and thus, for the said reason, the same was not brought to the notice of this Court at the time of passing of final order dated 11.01.2023. It is stated that even, in case, the applicants and other respondents are given an opportunity to file reply and the matter is heard on merits, then also, the petitioner would be able to show that the petitioner has a meritorious case.

Keeping in view the abovesaid facts and circumstances more so, the fact that the matter with respect to a part of the land which is owned by the applicants, is pending before the Hon'ble Supreme Court and status quo in respect of the land in question has been ordered by the Hon'ble Supreme Court vide order dated 14.08.2017 passed in SLP(C) No.29479/2015 and the fact that the said SLP is stated to be pending and also the fact that the said order was not brought to the notice of this Court at the time of passing of order dated 11.01.2023, the present application filed for review/recalling of judgment/order dated 11.01.2023 is allowed and the main Civil Writ Petition is restored to its original number.

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Notice of motion.

Mr. Ferry Sofat, Addl. A.G. Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and Mr. Shantanu Bansal, Advocate, accepts notice on behalf of respondent Nos.5(i), (ii), (iii) and (iv) and seek

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time to file reply.

Adjourned to 18.07.2023.

Reply, if any, be filed on or before the next date of hearing with
an advance copy to learned counsel for the petitioner.

Let respondent No.4 be served in the meantime.

28.02.2023

Pawan

(VIKAS BAHL)
JUDGE