

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

CWP-10632-2004 (O&M)

Date of Decision: 20.07.2023

Harpal and others

..... Petitioners

Versus

The Deputy Collector and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashok Verma, Advocate, for the petitioners.

Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.

Mr. Ajit Sihag, Advocate, for respondents No.5 to 8.

Rajesh Bhardwaj, J. (ORAL)

On request of learned counsel for the parties, the main case which is on regular board of this Court is taken on board today itself.

Petitioners have approached this Court praying for quashing of the order dated 14.11.2003 (Annexure P-9) passed by respondent No.2 and the order dated 12.02.2004 (Annexure P-10) passed by respondent No.3.

It has been contended by learned counsel for the petitioners that the petition is pending consideration before this Court since long.

Learned counsel for the petitioners as well as learned counsel for respondents No.5 to 8 have submitted that during the pendency of this petition some of the land has been purchased by new person and thus, presently there is altogether a different scenario as at present there are another share holders as well. They have submitted that keeping in view the changed situation in these about 20 years, there needs to be a fresh consideration of this case for the benefit of all the share holders as on date, however, because of the pendency of this petition and the status quo granted, the respondent-authorities are not in a position to take decision afresh in view of the changed circumstances. They are *ad idem* that the

respondent-authorities be directed to take decision afresh by setting aside the impugned orders and they have no objection if the impugned orders are set aside and the respondent-authorities are directed for deciding the issue pertaining to warabandi afresh by associating and hearing all the effected persons as on date.

After hearing learned counsel for the parties and perusing the record, when both the counsel for the petitioners as well respondents No.5 to 8 are *ad idem* that the impugned orders should be set aside and the respondent-authorities be directed to decide the case afresh. Resultantly, in view of the agreed position and in the facts and circumstances of the case, both the impugned order dated 14.11.2003 (Annexure P-9) and dated 12.02.2004 (Annexure P-10) are set aside and respondent No.1 directed to decide the issue afresh in accordance with law after hearing all the affected persons.

The petition alongwith pending application if any stands disposed of.

20.07.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No