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

CWP-8231-2021

Date of decision : 13.12.2023

Kamaldeep Singh and others

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R.S. Minhas, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. In the present petition, challenge is to the letter dated 01.07.2020 (Annexure P-11) vide which the respondents have passed an order to transfer the land of the petitioners and further ordered to make the changes in the revenue record.

2. In this case, on 09.04.2021, this Court passed an order of status quo till the next date of hearing which was vacated on 13.12.2021 by a coordinate Bench of this Court. The order dated 13.12.2021 is reproduced hereinbelow:-

“CM-10435-CWP-2021 in CWP-8231-2021

This application has been filed for vacation of interim order dated 09.04.2021.

The writ petition challenges letter dated 01.07.2020 (Annexure P-11) whereby the Government of Punjab in Forest

*and Wild Animals Protection Department had directed the Deputy Commissioner Pathankot to get land in dispute mutated in favour of the Forest Department. The said communication has been issued on the basis of judgment dated 11.02.2014 passed in CWP No. 8706 of 1988 as well as judgment dated 30.01.2014 passed in Regular Second Appeal No.2630 of 1985 **The Divisional Forest Officer, Gurdaspur and others vs. Gian Singh and others.***

The case of the petitioners is that their land is not covered under the notification of 1904 whereby 27550 acres of land in Shahpur Kandi was declared as forest land. The judgment dated 11.02.2014 passed in CWP No. 8706 of 1988 is based upon the said notification and, thus, this judgment is not applicable to their case. This is further fortified from the notification itself, copy of which is on record as Annexure P-6.

Learned State counsel has submitted that aforementioned Government Notification is incomplete. The complete notification shows that land of the village of the petitioners is part of the said notification. Thus, a misrepresentation has been made before this Court. Further, a specific averment has been made that the land of the petitioners is part of 27550 acres comprised in Shahpur Kandi forest area and there is no counter to this averment. The impugned letter only directs entry of a mutation and does not adversely affect the rights of the petitioners in any manner and, thus, the interim order dated 14.01.2021 may be vacated.

Learned counsel for the petitioners has not been able to rebut the submission that vide the impugned letter mutations are sought to be entered. This is also borne out on a perusal of the said letter. Further, it is the specific case of the State that the land in dispute is part of Shahpur Kandi forest area and there is no contradiction of this statement by way of replication. Even if mutation is entered/sanctioned, proprietary rights, if any, of the petitioners shall not be adversely affected.

In view of the above, interim order dated 09.04.2021 is vacated.

Application stands disposed of.”

3. Learned counsel for the petitioners has submitted that the petitioners be permitted to withdraw the present petition with liberty to file fresh one after giving full and better particulars.

4. In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with the aforesaid liberty.

13.12.2023

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(RAJESH BHARDWAJ)
JUDGE

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