

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-8600-2022(O&M)

Date of decision : 24.03.2023

Prabhjot Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.M.L.Saggar, Senior Advocate with
Ms.Armaan Saggar, Advocate
for the petitioner.

Mr.Yadwinder S. Bhangu, AAG, Punjab.

Mr.Naresh Prabhakar, Advocate
for respondents no.4, 9, 12, 13(d) & (e), 14 and 17.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 22.06.2020 (Annexure P-7) passed by respondent no.3 and approved by respondent no.2.

On 09.05.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“It is alleged that surplus land of the husband of the petitioner namely Darshan Singh continues to be in possession of the petitioner. Allotment of the said land was made in favour of the private respondents on 12.01.1994 but no steps were taken to dispossess the petitioner. Now, an entry regarding transfer of possession has been made in the khasragirdawari and the petitioner apprehends that after the harvesting of the standing crop possession will be taken forcibly. Section 9 of the Punjab Land Reforms Act, 1972 (hereinafter referred to as the Act) provides that before dispossession of a person in possession of surplus land,

10 days notice is essential. No notice has been issued till date.

Notice of motion to respondents No.1 to 3 only.

Mr. Arun K. Kaundal, DAG, Punjab accepts notice on behalf of respondents No.1 to 3 and waives service.

Adjourned to 24.05.2022.

It is clarified that notice period will be deemed to have commenced with effect from tomorrow i.e. 10.05.2022.

Till the next date of hearing, the petitioner shall not be dispossessed.

May 09, 2022

*(SUDHIR MITTAL)
JUDGE”*

On 06.07.2022, Coordinate Bench of this Court was pleased to

pass the following order:-

“CM-8684-CWP-2022

This application has been filed for vacation of stay order dated 09.05.2022 extended vide order dated 24.05.2022.

After noticing that Section 9 of the Punjab Land Reforms Act, 1972 provided for 10 days notice before a person in possession of surplus land can be dispossessed and that notice period would be deemed to have commenced w.e.f. 10.05.2022, stay of dispossession had been granted till the next date of hearing. On the next date of hearing, learned State counsel had made a request for adjournment and thus, interim order was directed to continue. It is obvious that the learned State counsel sought an adjournment mechanically without reference to the record of this case.

Since, 10 days period has elapsed a long time ago, it is clarified that stay order dated 09.05.2022 has ceased to exist.

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In the interest of justice, adjourned to 24.03.2023.

*(SUDHIR MITTAL)
JUDGE*

06.07.2022”

Learned senior counsel for the petitioner has submitted that the petitioner has filed objections before the Deputy Commissioner and would limit his prayer in the present writ petition to direction to respondent no.2 to decide the said objections, in accordance with law.

Learned counsel for the private respondents has submitted that

has already been delivered.

Keeping in view the above said facts and circumstances and the limited prayer made by learned senior counsel for the petitioner, the present petition is disposed of with a direction to respondent no.2 to decide the objections, if any, filed by the petitioner as expeditiously as possible.

Pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 24, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No