

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.15064-CWP of 2017 in/and
CWP No.12528 of 2007
Date of Decision : 20.09.2023

Muafi Aasan Dhakal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Atul Gaur, Advocate
for the non-applicant/petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Jagjeet Beniwal, Advocate
for the applicants/respondents No.9 & 10.

RAJESH BHARDWAJ, J. (Oral)

CM-15064-CWP-2017

Present application has been filed for dismissal of the main writ petition alleging that the same has become infructuous.

Notice of the application was issued on 08.11.2017 and in response to the same, learned counsel for the non-applicant/petitioner appeared.

Learned counsel for applicant/respondents No.9 & 10 has drawn the attention of this Court to the order dated 12.07.2019 wherein it was observed that the present petition has been rendered infructuous and various opportunities were granted to the non-applicant/petitioner to file his reply but no reply has been filed and the case came up for hearing today.

It has been contended by learned counsel for applicant/respondents No.9 & 10 that after the admission of the main writ petition, the SDO(C), Narwana, after hearing both the parties and perusing the record of the case, declared 583 Kanal 7 marla land of the non-applicant/petitioner institution as surplus vide his order dated 06.04.2012 in view of the Haryana Ceiling of Land Holding Act, 1972. Aggrieved by the same, the non-applicant/petitioner had filed an appeal before the Collector, Jind against the order dated 06.04.2012 whereby the land measuring 583 Kanal 7 Marla had been declared surplus. After hearing both the parties and perusing the record, the Collector dismissed the appeal vide order dated 25.07.2013. He further submits that aggrieved by the same, non-applicant/petitioner filed the revision petition before the Commissioner, Hisar Division which was also dismissed by the Commissioner vide his order dated 21.06.2016. He submits that after the admission of the present writ petition, the land of non-applicant/petitioner institution had been declared surplus by the SDO(C), Narwana under the Haryana Ceiling of Land Holding Act, 1972 and even the appeal and revision filed against the said order declaring the land surplus had been dismissed, therefore, the present petition has become infructuous.

Learned counsel for the non-applicant/petitioner has not disputed the same and endorsed the fact that the present petition is rendered infructuous.

Learned counsel for both the parties have submitted before this Court that the present writ petition is rendered infructuous.

In view of the submissions made by learned counsel for both the parties, the present application seeking dismissal of the main case as rendered infructuous is allowed.

Main case is taken on Board today itself.

CWP No.12528 of 2007

Present writ petition has been filed for restraining respondents No.1 to 4 to presume contrary to the facts that any land belonging to the petitioner institution is liable to be declared surplus.

In view of the prayer made in the application bearing CM No.15064-CWP of 2017, the present petition stands dismissed as having been rendered infructuous.

(RAJESH BHARDWAJ)
JUDGE

20.09.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No