

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

CWP-13667-2023(O&M)
Date of decision: 06.11.2023

Sunil Kumar Yadav

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ishnoor Singh, Advocate, for
Mr. Vikram Singh, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana.
Mr. Aman Bahri, Advocate, for respondents No.2 & 3.

ARUN PALLI, J. (Oral)

On July 03, 2023, a coordinate Bench had passed the following
order:

**“Inter alia contends that shop No.86 situated at
Anaz Mandi, Ballabgarh was initially allotted to one
Dhanesh Gupta, respondent No.4 on 18.05.1973
(Annexure P-1). There were some outstanding which
matter was eventually resolved and a conveyance deed
was executed on 24.02.1994 (Annexure P-9) in favour of
the said respondent. Thereafter, in pursuance of an
agreement to sell in favour of brother of the petitioner,
Sudhir Kumar Yadav, a sale deed was executed on
26.04.2001 (Annexure P-10). A family settlement was
recorded by the Permanent Lok Adalat, Faridabad and
an award was passed on 24.05.2008 (Annexure P-11)
regarding the plot in question on which construction has**

been raised. However, the request for the transfer has been rejected on account of the fact that the plot stands confiscated vide communication dated 14.06.2023 (Annexure P-15).

Notice of motion to respondent Nos.1 to 3 only, at this stage, for 06.11.2023.

In the meantime, dispossession of the petitioner shall remain stayed.”

Having argued the matter at some length, learned counsel for the parties have reached a consensus: for the communication dated 14.06.2023 (P-15), whereby the request of the petitioner for transfer of plot/shop No.86, Anaz Mandi, Ballabgarh in his favour has been rejected, does not assign any reason, it shall be expedient if the petition is disposed of, to enable the respondent authorities to re-examine the issue. And pass fresh orders assigning reasons in support thereof.

However, learned counsel for respondents No.2 & 3 submits that as the original record is not traceable, three months' time be granted to the respondent(s) to re-construct the record and pass fresh orders. He submits that the authorities shall pass comprehensive order(s), in accordance with law, and shall communicate the same to the petitioner.

Accordingly, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for respondents No.2 & 3.

Ordered, accordingly.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated

above, the competent authority shall examine the grievances of the petitioner,
strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

06.11.2023
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO