

CWP-1802-2017

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Neutral Citation No. 2023:PHHC:121044

104(2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1802-2017

Date of Decision: September 06, 2023

Ram Kishan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr.R.S.Mamli, Advocate
for the petitioner.

Ms.Upasana Dhawan, AAG, Haryana.

Mr.Robin Dutt, Advocate
for respondents No.6 and 7.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of directions to respondents No.2 to 5 to implement the order, dated 07.06.2010, Annexure P-5, passed by respondent No.4, in letter and spirit. It is further prayed to direct the official respondents to restrain respondents No.6 and 7 from acquiring undue enrichment anymore in respect of the land, which has already been declared surplus by the competent authorities under the Act.

It has been submitted by counsel for the petitioner that petitioner was the tenant on the land since long. He has submitted that learned Collector in the order dated 07.06.2010 had concluded that after deducting 10 standard acre and 11½ units area of land, which stood sold/acquired/changed ownership, area measuring 66 standard acre and 2½ unit was left. Out of which land owner Mandir Luxmi Narayana, Village

Jaroda was allowed 30 standard acre its reserve area whereas the remaining 30 standard acre and 2½ unit area had been declared surplus (tenants permissible area). He has submitted that once it has been found that 30 standard acre and 2½ units was surplus area, the petitioner is entitled for the allotment of the land out of the surplus area. He further submits that for redressal of his grievances, he had sent a Legal Notice as well on 05.12.2016, which is Annexure P-10, however, no action has been taken on the same till date. However, he fairly submits that he would file a fresh representation before Deputy Commissioner or the prescribed Authority for redressal of his grievances, and the same be decided expeditiously.

Learned State counsel has submitted that the order dated 07.06.2010 passed by learned Collector had already been challenged by way of filing the appeal and the same was dismissed.

After hearing counsel for the parties, the present petition is disposed of with liberty to the petitioner to file an appropriate representation for redressal of his grievances before respondent No.4, i.e. the Collector Agrarian/SDM Jagadhri, District Yamuna Nagar/Prescribed Authority, within ten days from the date of receipt of certified copy of this order and if any such application/representation is filed, the same would be decided by the said Authority as per law within four weeks from the date of its receipt.

September 06, 2023

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1. Whether speaking/reasoned ?**2. Whether reportable ?****(RAJESH BHARDWAJ)****JUDGE****Yes/No****Yes/No**