

226 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

CWP-1653-2018

Date of Decision : 28.08.2023

HARNEK SINGH BAINS AND ORS.

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Rana Harjasdeep Singh, Advocate
for Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. B.D.Rana, Advocate
for respondents No. 7 and 8.

SURESHWAR THAKUR, J. (Oral)

1. Though certain allotment(s) of lands falling in the category of *shamlat deh lands* become allotted by the Competent Authority to the allottees concerned, but it is averred in the petition that the said allotment(s) were conditional allotment(s) to the allottees.

2. Furthermore, it is averred that there has been an open breach of the conditions of the allotment(s), as became made to the allottees concerned.

3. Consequently, it is contended before this Court that the allotment(s) be rescinded and cancelled. However, in the instant proceedings the above cannot be done, as it submitted at the bar, by the learned State counsel, that jurisdiction to rescind or cancel, the allotment(s), is exercisable by the statutory authorities contemplated under

Rule 13 A of the Punjab Village Common Lands (Regulation) Rules, 1964.

4. In aftermath, with the availability of the above remedy for seeking rescinding or cancelling the grant, as made to the allottees concerned, thus this Court, at this stage, does not have jurisdiction to make cancellation of the allotment(s).

5. In consequence, the learned counsel for the petitioners, seeks leave of this Court to withdraw the instant writ petition.

6. Leave granted.

7. Disposed of with liberty to make a motion before the jurisdictionally empowered authority, thus vested with the jurisdiction to cancel or rescind the grants, as made to the allottees.

8. On such a motion being preferred before the authority concerned, the latter shall make an expeditious valid speaking decision thereons, but after hearing all affected persons concerned.

(SURESHWAR THAKUR)
JUDGE

28.08.2023 (MANISHA BATRA)
JUDGE

kavneet singh

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