

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

CWP-16801-2023

Date of decision : 04.08.2023

Shakti Kumar and others

.....Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Aggarwal, Senior Advocate with
Ms. Vibhuti Naranian, Advocate and
Ms. Aashma Aggarwal, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing the impugned letter/instructions No.184 dated 31.05.2023 by respondent No.2 to respondent No.3 qua the land in question of the petitioners by which general directions have been issued by the Deputy Commissioner, respondent No.2 to the Naib Tehsildar, respondent No.3 to change the mutation of land in question entered in the revenue record in the name of the petitioners/forefathers for the last more than 60 years situated in Village Brass in favour of the State Government on the basis of an order dated 16.05.1960 passed by prescribed Authority-cum-Collector, respondent No.4 declaring the land in question as surplus under the provisions of the Punjab Security of Land Tenures Act, 1953 in the hands of original landowner and which order has already been set aside and recalled by respondent No.4 on 30.06.1961 holding that there was no surplus area in the hands of the original landowner under the above Act.

Learned Senior counsel submits that the petitioners are aggrieved by the impugned order dated 31.05.2023 whereby learned Deputy Commissioner has directed Naib Tehsildar for entering the mutation. It is submitted that the order of the surplus area dated 27.07.1960 was already *set aside* and reviewed on 30.06.1961. He submits that in view of the same, the impugned order is totally unsustainable in the eyes of law. He submits that without appreciating the revenue record, Deputy Commissioner has issued general directions to the Naib Tehsildar for changing the mutation which adversely affect the petitioner.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the respondents-State.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with direction to the Deputy Commissioner to treat this petition as representation and take necessary decision thereon as per law within a period of four weeks from the date of receipt of this order.

04.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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