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

CWP-22170-2022

Date of decision:19.01.2023

GAGAN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Sunil Kumar Dhanda, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. In the writ petition the petitioner claims the rescinding and cancellation of allotments of plots of 100 square yards each, to respondents No.5 to 8, as hence made to them, on the premise, that they are landless persons. The above allotments were through P-1 to P-4 hence made by the designated Competent Authority.

2. The learned counsel for the petitioner submits, that despite an apposite condition becoming embodied in the allotment letter, as became delivered upon them, yet the said condition appertaining to the allottees being barred to execute any registered deed of conveyance in favour of the vendees concerned, rather becoming breached. Though the apposite grants or allotments as made to the respondents concerned, when result in the causings of evident

breach to the relevant condition of the *patta* or grant, hence did make the apposite allotments, to become amenable for cancellation. However, the motion for the rescission of said grant(s), though as revealed by Annexure P-6, became addressed to the Commissioner, Municipal Corporation, Gurugram, District Gurugram, and, to the Tehsildar, Gurugram District Gurugram, but yet no action has been drawn thereon. Therefore, through the instant writ petition it appears, that the petitioner is asking for a mandamus being made upon the above Authorities hence for theirs making an order thereon for rescinding the order of grant, as made *qua* the allottees concerned.

3. However, it is submitted today, before this Court, that the Competent Authority, to rescind the grant as made in favour of the allottees concerned, are not the Authorities mentioned in Annexure P-6, but the jurisdiction to rescind the grant, is vested in the learned Collector of the Revenue District concerned.

4. In the wake of the above, since Annexure P-6 is not addressed to the above empowered Authority, to rescind the grant, therefore, the above asked for mandamus cannot be made upon the Authorities concerned, to whom Annexure P-6 rather became addressed.

5. Nonetheless, in the larger interests of justice, since this Court at this stage, has no jurisdiction to rescind the grant as made in favour of the allottees concerned, as the empowerment to rescind the grant, at this stage, is vested in the learned Collector of the Revenue District concerned. Therefore, the writ petition is disposed of with a direction to the petitioner to, within a fortnight from today, cast an apposite motion before the learned Collector of the Revenue District concerned, who shall within three months thereafter hence make a

lawful decision thereon, but only after hearing all the affected persons concerned.

6. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

19.01.2023

(KULDEEP TIWARI)
JUDGE

Ithlesh

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