

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22725-2022

Date of decision : 20.02.2023

Veena Kumari

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ram Karan Agnihotri, Advocate
for the petitioner.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 and 2.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 28.03.2012 passed by the Sub Divisional Magistrate-cum-Collector, Ambala.

Learned counsel for the petitioner has submitted that the Commissioner vide order dated 21.01.2014 had remanded the matter to the Sub Divisional Magistrate-cum-Collector after setting aside the order dated 28.03.2012. It is further submitted that the said order of the Commissioner has been upheld by the Financial Commissioner. It is stated that inspite of remand, the matter has not been decided by the Sub Divisional Magistrate-cum-Collector till date. On 29.11.2022, a coordinate Bench of this Court was pleased to pass the following order:-

surplus land is not being done as the SDM concerned has not been delegated powers of the Collector. A communication has been sent to the Chief Secretary, Haryana and appropriate action is likely to be taken shortly.

Adjourned to 10.01.2023.

November 29, 2022

*(SUDHIR MITTAL)
JUDGE”*

Thereafter on 10.01.2023, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has pointed out that the case with respect to surplus area has been pending before the SDM since 2014 and no decision has been taken in the same.

On the last date of hearing i.e., 29.11.2022, learned State counsel had stated that the SDM concerned had not been delegated the power of the Collector and communication regarding the same had been sent to the Chief Secretary, Haryana and that appropriate action would be taken shortly. Today, learned State counsel has prayed for another adjournment.

Adjourned to 20.02.2023.

The respondent State is directed to file an affidavit giving the details of the steps taken towards delegating power to the SDM / Collector or providing any other forum/ officer for adjudication of the dispute as raised in the present petition.

To be taken up immediately after the urgent list.

January 10, 2023.

Learned State counsel, on instructions, has submitted that the Haryana Government Personnel Department has issued notification dated 14.02.2023 in exercise of the powers conferred by sub-clause (b) of clause (9) of section 2 of the Indian Stamp Act, 1899 and as per which the Special Secretary to Government, Haryana Personnel Department has empowered the Sub Divisional Officer (C), Ambala, to perform the duties of the Collector under the Haryana Ceiling On Land Holding Act and has further submitted that the concerned officer will decide the case expeditiously as

Learned counsel for the petitioner has submitted that said statement of learned State counsel satisfies the petitioner's claim, at this stage.

Keeping in view the above, the present petition is disposed of with a direction to the concerned officer to decide the present case as expeditiously as possible.

(VIKAS BAHL)
JUDGE

February 20, 2023
Davinder Kumar

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