

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

**CWP-24867-2023 (O&M)
Date of decision: 06.11.2023**

Parveen Kumar

....Petitioner

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raje Ram Kaushik, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondents No.1 to 5 to look into the various representations given by the petitioner against respondent No.6, who is guilty of embezzling public money and recovery the said amount of panchayat fund/scheme which was spend illegally, without any technical approval and any verification and further to issue directions to the official respondents to decide the legal notice dated 31.08.2023 (Annexure P-11).

Counsel for the petitioner has submitted that the petitioners has issued a legal notice dated 31.08.2023 (Annexure P-11) to respondents, however, no action has been taken till date.

Notice of motion.

Ms. Upasna Dhawan, AAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State and has stated that the legal notice will be decided by respondent No.2.

Heard. The present petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 31.08.2023 (Annexure P-11) served by the petitioner, in accordance with law within a period of 02 months from today.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-24890-2023 (O&M)
Date of decision: 06.11.2023**

Amarjit Singh and Ors

....Petitioners

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of certiorari for quashing the lease order dated 29.03.2023 (Annexure P-9) issued by respondents No.2 and 3 in favour of private respondent being illegal, void and against the provisions of the Waqf Act, 1995, as amended upto date and further for issuance of a writ in the nature of mandamus directing the respondents No.2 and 3 to permit/allow the petitioners to deposit the lease money as the petitioners have approached the respondents many times to deposit the lease money but the official respondents are not allowing the petitioners to deposit the lease money, wrongly and illegally.

Counsel for the petitioners has submitted that the petitioners have issued a legal notice dated 12.10.2023 (Annexure P-8) to respondent No.2 and 3, however, no action has been taken till date.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Heard. The present petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 12.10.2023 (Annexure P-8) served by the petitioners, in accordance with law within a period of 04 weeks from today.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-24893-2023 (O&M)
Date of decision: 06.11.2023**

Raj Kumar Sarpanch

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mrs. Raman Rekhi, Advocate
with Mr. C.L. Premy, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondent No.1 to decide the appeal under Section 20(6) dated 12.09.2023 (Annexure P-8) preferred by the petitioner against the impugned suspension order dated 01.08.2023 (Annexure P-7) issued on 16.08.2023 in a time bound manner, with a further prayer to stay the operation of the impugned order dated 01.08.2023 (Annexure P-7), till the final decision of the appeal by respondent No.1.

Learned counsel for the petitioner has submitted that the appeal filed by petitioner is pending before respondent No.1 and the same has not been taken up for hearing.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State. She has stated

that the office of respondent No.1 at present is vacant and the new incumbent is likely to be appointed shortly.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of with a direction to respondent No.1 before whom the appeal is stated to be pending, to take up the appeal, hear the parties on stay application and decide the same expeditiously as per law. Since no officer has been appointed in the office of respondent No.1 so the operation of the impugned order dated 01.08.2023 will remain stayed till the hearing of the stay application as stated above.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-24897-2023 (O&M)
Date of decision: 06.11.2023**

Kajal

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Divyam Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of certiorari setting-aside the order dated 26.10.2023 (Annexure P-10) and order dated 01.08.2023 (Annexure P-3) being wrong, illegal, against the provisions of law.

It is submitted by counsel for the petitioner that the petitioner, before this Court, is the elected Sarpanch, who was suspended on false and frivolous grounds by respondent No.2. It is further submitted that aggrieved by the same, the petitioner filed an appeal before respondent No.1, who accepted the same and remanded the case to respondent No.2 with a direction to decide it afresh. He also submitted that the petitioner is aggrieved with the direction of respondent No.1 wherein he has directed that the suspension of the appellant would remain intact and thereafter, respondent no.2 would decide the case afresh. It is submitted that once the suspension order dated 01.08.2023 has been set-aside by the Financial Commissioner, the

afresh order has to be passed by respondent No.2 after hearing both the sides and hence, there is no question of keeping the same intact.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and submitted that the respondent No.1 has remanded the case for decision afresh and the direction regarding keeping the suspension order intact would not prejudice the petitioner.

After hearing the counsel for the parties and on perusal of the record, it is apparent that the suspension order dated 01.08.2023 had been set-aside by respondent No.1 with a direction to respondent No.2 to decide it afresh, however, the direction for keeping the same intact, on the face of it, is unsustainable as after the acceptance of the appeal filed by the petitioner, there is no suspension order in the way. Thus, the impugned order is modified to the extent that the direction regarding keeping the suspension of the appellant intact is set-aside.

Resultantly, the respondent No.2 is directed to decide the case afresh as directed by the Financial Commissioner expeditiously preferably within a period of 03 months from today, after hearing both the parties as in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

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

**CWP-24904-2023 (O&M)
Date of decision: 06.11.2023**

Paramjit Kaur and Anr

....Petitioners

Versus

State of Punjab and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dhirinder Kamal Saldi, Advocate
for the petitioners.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing respondent No.1 to decide the application for stay dated 08.09.2023 filed with appeal No.214 of 2023 on 08.09.2023 against the impugned order dated 07.08.2023 (Annexure P-9) passed by respondent No.2 vide which the petitioners were suspended in violation of the basic principle of natural justice and the principle of equality in an arbitrary manner without providing an opportunity of tendering an explanation in writing in accordance with the proviso to Section 20 of the Punjab Panchayati Raj Act, 1994.

Learned counsel for the petitioner has submitted that the appeal filed by petitioner is pending before respondent No.1 and the same has not been taken up for hearing.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State. She has stated

that the office of respondent No.1 at present is vacant and the new incumbent is likely to be appointed shortly.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of with a direction to respondent No.1 before whom the appeal is stated to be pending, to take up the appeal and hear the parties on stay application and decide the same expeditiously as per law. Since no officer has been appointed in the office of respondent No.1 so the operation of the impugned order dated 07.08.2023 will remain stayed till the hearing of the stay application as stated above.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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

**CWP-24912-2023 (O&M)
Date of decision: 06.11.2023**

Jasvinder Singh

....Petitioner

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Neeraj Tyagi, Advocate
for Mr. Ranjit Saini, Advocate for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondents No.2 to 4 to hold the thorough enquiry against the respondent No.5, who embezzled a huge Gram Panchayat funds during her tenure while carrying the various development works in the village as disclosed by the petitioner in various complaints made to the authorities from time to time and further directing the respondents to effect the recovery of an amount of Rs.44,936/- which has already assessed by the Sub-Divisional Officer, Panchayati Raj, Saraswati Nagar vide report dated 15.12.2020 and amount of Rs.3,94,636/- which has been assessed by the BDPO, Saraswati Nagar vide order dated 17.08.2021 and confirmed by the Deputy Commissioner vide order dated 12.01.2023 immediately.

Counsel for the petitioner has submitted that despite the representation filed by the petitioner, no action has been taken till date by the respondents.

Notice of motion.

Ms. Upasna Dhawan, AAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State and submitted that the action on the representation filed by the petitioner has already been initiated and the matter finally went to the Additional Chief Secretary, who remanded the case to the Deputy Commissioner. She further submitted that the case is pending before the learned Deputy Commissioner i.e. respondent No.2 for 09.11.2023.

In view of the above submissions, it is apparent that the respondent – State has already taken a cognizance of the grievance raised by the petitioner, which is pending adjudication before the learned Deputy Commissioner for 09.11.2023.

Accordingly, the present petition is disposed of with a direction to respondent No.2 i.e. Deputy Commissioner, Yamuna Nagar, to conclude the proceedings initiated on the representation filed by the petitioner expeditiously, preferably within a period of 03 months from today, in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-24921-2023 (O&M)
Date of decision: 06.11.2023**

Shiv Chand

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana with
Mr. Hitesh, DDPO, Yamuna Nagar.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondent No.2 to decide the stay application dated 21.10.2023 (Annexure P-14) filed along with the transfer petition dated 14.10.2023 (Annexure P-13) for staying the proceedings pending before the learned Collector-cum-DDPO, Rupnagar (Annexure P-3) under Sections 4 and 5 of the Punjab Public Premises and Land (Eviction and rent Recovery) Act, 1973 as the learned Collector has failed to comply the order dated 13.07.2023 (Annexure P-6) passed by this Court in CWP No.14669 of 2023 (Annexure P-6) and has continued proceedings and is bent upon to conclude the matter because the petitioner has filed contempt petition i.e. COCP No.3106 of 2023 (Annexure P-12).

Counsel for the petitioner has submitted that he may be permitted to withdraw this petition with liberty to the petitioner to avail

the alternative remedy as available to him, in accordance with law.

Allowed to do so.

Dismissed as withdrawn with liberty aforesaid.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24923-2023 (O&M)

Date of decision: 06.11.2023

Balvir Kaur

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondents No.1 to 4 to remove the ramp which is illegally constructed by respondent No.5 in the public street and due to this reason, drainage water is entering the house of the petitioner, damages the house and its articles owing to the fact petitioner's house is mud house.

It has been contended by counsel for the petitioner that the petitioner has already filed his application for redressal of his grievance, however, no action has been taken on the same.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and she on instructions, has stated that on the application filed by the petitioner, the action has already been initiated. She has further submitted that the District Development and Panchayat Officer has already directed the

respondent No.4 – Block Development and Panchayat officer, for redressal of the grievances raised by the petitioner and the same is yet pending before him.

In view of the submissions made by counsel for the parties, the present petition is disposed of with a direction to respondent No.4 i.e. Block Development and Panchayat Officer, Mahal Kalan, District Barnala, to conclude the proceedings initiated by him expeditiously preferably within a period of 04 weeks from today, in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-24962-2023 (O&M)
Date of decision: 06.11.2023**

Rashpal Kaur

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shivam Thakur, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the official respondents to get the demarcation of the land of the petitioner as the petitioner is a owner of land in Khasra No.13//19/2, 13//20/1, 13//21/1, 15//2/2, 15//8, 15//26, Khewat No.276/268 Khatauni No.303 and Khasra No.13//20/2, Khewat No.277/269, Khatauni No.304 and Khasra No.13//23/2, 15//3, Khewat No.279/271, Khatauni No.307 and 13//21/2, 13//22, 1//1, 15//2/1, Khewat No.280/272, Khatauni No.308 and Khasra No.10//4/1, Khewat No.283/275, Khatauni No.311/312 and Khasra No.10//3/1/1 as per the mutation year 2014-15, situated at Village Khakat, HB No.234, Tehsil Sahnewal, District Ludhiana, Punjab.

Counsel for the petitioner has submitted that the petitioner has filed a representation dated 19.05.2022 (Annexure P-6) before respondent No.3, however, no action has been taken up till date.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Heard. In view of the above, the present petition is disposed of with a direction to respondent No.3 i.e. Tehsildar (Sahnewal), District Ludhiana, to decide the representation dated 19.05.2022 (Annexure P-6) filed by the petitioner, within a period of 04 weeks from today, in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

CWP-24978-2023
GURDARSHAN SINGH V/S STATE OF PUNJAB AND
ANOTHER

Present:- Mr. Ajaivir Singh, Advocate
for the petitioner.

Prayer in this petition is for issuance of a writ in the nature of certiorari for setting-aside the order dated 19.02.2020 (Annexure P-7) passed by learned Financial Commissioner (Revenue) in ROR No.455 of 2017, vide which the revision petition filed by the petitioner has been dismissed and further to stay the consequential execution/partition proceedings, during the pendency of the present petition.

Counsel for the petitioner has inter alia contended that as per the mode of partition, the gair mumkin area measuring 1K-14M was not to be included in the partition proceedings as the houses are constructed in the same. It is submitted that it is settled proposition of law that the gair mumkin area cannot be made part of the partition, which was rightly approved in the mode of partition. It is also submitted that despite the specific condition, the partition proceedings have been carried out including the gair mumkin area in the land to be partitioned, which is unsustainable in the eyes of law. It is further submitted that if the partition proceedings are carried out leaving the gair mumkin area, the petitioner has no objection to the same. Lastly, it is argued that the impugned order has been passed in violation of the law and thus, deserves to be set-aside.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List on 09.04.2024.

In the meantime, status quo be maintained till the next date of hearing.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

150

CWP-24992-2023 (O&M)
MAHINDER SINGH ALIAS MOHINDER SINGH DAHIYA AND
OTHERS V/S STATE OF HARYANA AND OTHERS

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Prayer in this petition is for issuance of a writ in the nature of Certiorari for setting-aside the order dated 24.08.2023 (Annexure P-9) passed by respondent No.2, which has been passed wrongly, illegally and against the provisions of Punjab Land Revenue Act, 1887 and to uphold the order dated 10.10.2022 (Annexure P-8) passed by respondent no.3 and order dated 17.12.2019 (Annexure P-7) passed by respondent No.4, which have been passed in accordance to the mode of partition (Annexure P-2).

Counsel for the petitioners inter alia contended that the partition proceedings of the land measuring 61K-18M was initiated on 27.07.20218 and thereafter, the mode of partition was approved on 07.02.2019. It is further submitted that Naksha Bay was called and the respondents filed a petition, which was duly heard and thereafter, the same was dismissed on merits. It is also submitted that the appeal filed by the respondents was also dismissed and in the revision filed by the respondents before the Commissioner, the only objection taken was regarding the existence of minor Killa No.7//10/1 and the road. He further submitted that during the partition proceedings, the same objection was taken by the respondents and the Tehsildar made a spot inspection on 19.11.2019 and all the objections raised were duly verified and on the basis of the spot inspection, it was established that

the mustil and Killa No.7//10/1 was adjoining the road. He further argued that once the objections taken have already been redressed by the spot inspection, there was no ground available to the Commissioner to remand the case. It is also submitted that the partition proceedings are pending since 2018 and the remand of the case vide impugned order, would further prolong the partition proceedings.

Notice of motion.

Ms. Upasna Dhawan, AAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List on 09.04.2024.

Further proceedings shall remain stayed, till the next date of hearing.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

153+154

CWP-25036-2023 (O&M)
SATWINDER KAUR AND ORS V/S FINANCIAL
COMMISSIONER AND ORS
AND
CWP-25041-2023 (O&M)
SATWINDER KAUR AND ORS V/S FINANCIAL
COMMISSIONER AND ORS

Present:- Mr. Chanchal K. Singla, Advocate
with Ms. Tarranum Madan, Advocate
and Mr. R.K. Chauhan, Advocate
for the petitioners.

Prayer in both these petitions is for issuance of a writ in the nature of Certiorari for setting-aside the order dated 11.01.2023 (Annexure P-11) passed in ROR No.487 of 2016 and ROR No.486 of 2016, vide which the learned Financial Commissioner (Appeals), Punjab, Chandigarh, has set-aside the well-reasoned orders dated 22.12.2010 (Annexure P-7) and dated 15.02.2016 (Annexure P-19) passed by the learned Commissioner Jalandhar, Division Jalandhar in a petition filed after a delay of 5 years 104 days without deciding the application for condonation of delay and without considering the fact that the said order was challenged before this Court and the writ petition was dismissed as withdrawn on 19.12.2012.

It has been contended by counsel for the petitioners that respondent No.5 is a bona fide purchaser, who purchased the land in the auction proceedings situated in Khasra Nos.13364(1-4), 13365(2-14), 13366 (2-8). It is also submitted that as per the Jamabandi, the Khasra No.13369 and 13368 have been entered in the Jamabandi for the year 2009-10, which were not made part of the sale certificate. He further submitted that the learned Commissioner in the appeal vide his order

dated 22.12.2010 has already observed that the petitioners would not have any objection if the land purchased on 3K-8M is from Khasra No.13364, 13365 and 13366. He also submitted that thereafter, the respondent No.5 filed a writ petition i.e. CWP No.18716 of 2011, which was dismissed as withdrawn vide order dated 19.12.2012. Lastly, it is submitted that thereafter, calandestantly, the revision was filed with a delay of 05 years and 104 days and without condoning the delay, now the impugned order has been passed against the petitioners, which is not sustainable in the eyes of law.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State while Mr. Mohd. Yousaf, Advocate has appeared on behalf of respondent No.5.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel opposite during course of the day.

List on 09.04.2024.

In the meantime, the impugned order dated 11.01.2023 passed in ROR No.486 and 487 of 2016, shall remain stayed.

A photocopy of this order be placed on the file of other connected case.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

**CWP-25044-2023 (O&M)
Date of decision: 06.11.2023**

Balwinder Singh and Others

....Petitioners

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. N.C. Manchanda, Advocate
for the petitioners.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 21.03.2023 (Annexure P-9) passed by respondent No.2 and supplied on 28.07.2023, vide which the revision petition filed by the petitioners has been dismissed and the impugned order dated 13.08.2010 (Annexure P-6) passed by respondent No.3 whereby the appeal filed by the petitioners against the naksha be has been dismissed and the order dated 09.03.2010 (Annexure P-5) passed by respondent No.4 vide which the naksha be has been wrongly sanctioned against the mode of partition, which are wrong illegal, against the facts of the case and wholly without jurisdiction and passed in violation of the provisions of Punjab Land Revenue Act, 1887.

Counsel for the petitioner has submitted that he may be permitted to withdraw the present petition as the revision filed by the

petitioners is already pending before respondent No.1, which is fixed for hearing on 21.11.2023.

In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioners to raise all his grievances before respondent No.1, who will decide the same in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

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

**CWP-25045-2023 (O&M)
Date of decision: 06.11.2023**

Amrik Lal

....Petitioner

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondent No.3 to decide the partition application bearing No.37 AC-1 dated 03.08.2020 titled as Amrik Lal vs Jaswinder Singh, etc. (Annexure P-2) within some specified time as the same is pending for the last more than 03 years but till date naksha ara (bey) has not been prepared.

Counsel for the petitioner has submitted that the petitioner has filed the partition application before respondent No.3, which is pending since 2020 and no progress is being made in the same till date.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

In view of the above, the present petition is disposed of with a direction to respondent No.3 i.e. Assistant Collector Ist Grade-cum-Naib Tehsildar Amargarh, District Malerkotla, to decide the

partition application dated 03.08.2020 (Annexure P-2) filed by the petitioner expeditiously, preferably within a period of 03 months from today in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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

157+161

CWP-25046-2023 (O&M)
SUCHA AND ORS V/S COMMISSIONER AMBALA AND ORS
AND
CWP-25053-2023 (O&M)
SOHAN LAL & ORS VS COMMISSIONER AMBALA & ORS.

Present:- Mr. J.S. Cooner, Advocate
for the petitioners.

Prayer in these petitions is for issuance of a writ in the nature of mandamus/certiorari seeking quashing of the impugned order dated 04.07.2023 (Annexure P-1) passed by the learned Commissioner, Ambala Division as well as the order dated 08.07.2019 (Annexure P-2) passed by the learned Collector, Kalka and order dated 05.06.2018 (Annexure P-3) passed by the learned Assistant Collector IInd Grade, Panchkula.

It is submitted by counsel for the petitioners that the respondents earlier filed a civil suit wherein it was specifically averred that the land under the partition proceedings is not an agricultural land as there are number of houses already constructed thereon. It is also submitted that after having filed the civil suit, the same was withdrawn with liberty to file afresh vide order dated 21.09.2016. It is further contended that despite having sought the permission to file a fresh civil suit, the same was not filed but the revenue proceedings were initiated, which are not maintainable. He has also argued that the authorities below have failed to appreciate the same and thus, have passed the impugned orders.

Notice of motion.

CWP-25046-2023 (O&M)
CWP-25053-2023 (O&M)

-2-

Ms. Upasna Dhawan, AAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List on 09.04.2024.

A photocopy of this order be placed on the file of other connected case.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

158

2023:PHHC:141056

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

**CWP-25049-2023 (O&M)
Date of decision: 06.11.2023**

Milanpreet Singh and Another

....Petitioners

Versus

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioners.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of certiorari seeking quashing of order dated 12.09.2014 (Annexure P-13) passed by respondent No.5 conveyed to respondent No.7 vide his office endorsement No.7074 dated 12.09.2014 made on the application of respondent No.8 dated 07.08.2014, ordering respondent No.7 in effecting entry in the Roznamcha/Revenue record on the basis of FIR No.53 dated 13.11.2004 under Sections 420, 465, 467, 34 IPC at Police Station Thermal Bathinda (Annexure P-5) with regard to Khasra No.446, 452, 451, 441/2/2, 442/1/2 of the land situated within the limits of Village Gill Patti Tehsil and District Bathinda to the effect that till decision is rendered by the Court in aforesaid FIR there shall remain ban in registration of sale deed/mortgage deeds, etc. on the aforesaid Khasra numbers. Further prayer has been made for issuance of a writ in the nature of mandamus ordering the respondents No.1 to 4 especially respondent No.2 to issue appropriate directions/orders to respondents No.5 to 7 in getting deleted Rapat No.56 dated 27.09.2014 (Annexure P-14), having no legal value in the eyes of law and to issue directions

to respondents No.5 to 7 to register sale deeds/transfer deeds/gift deeds/mortgage deeds as per shares of petitioners in favour of any person as per their financial legal necessities and lastly to restrain the respondents No.5 and 8 not to raise any objection on the sale deeds/transfer deeds/gift deeds/mortgage deeds to be presented by the petitioners for registration before respondent No.5 as respondent No.8 has no legal right/title or concern with the same in any manner, especially when he is neither owner nor in possession of an inch of land out of above mentioned Khasra Numbers.

Counsel for the petitioner has submitted that the petitioners have served a legal notice dated 05.10.2023 (Annexure P-18) upon respondents – authorities, however, no action has been taken on the same till date.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Heard. In view of the above, the present petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 05.10.2023 (Annexure P-18) served by the petitioners by passing a speaking order, in accordance with law within a period of 06 weeks from today.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

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

**CWP-25050-2023 (O&M)
Date of decision: 06.11.2023**

Dr. Bhim Rao Ambedkar Education and Social Welfare Committee
through its President

....Petitioner

Versus

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pardeep Sihmar, Advocate
for the petitioner.

RAJESH BHARDWAJ J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus directing the respondents for allotment of land as per Policy (Annexure P-1) on land (3K-10M) bearing Khewat No.183/Kila No.7/3 situated in the revenue record of village Ujhana at collector rate for construction of Dr. Bhim Rao Ambedkar Education and Social Welfare Committee, Ujhana, for carrying on social activities and further to expeditiously decide the representation (Annexure P-7).

Counsel for the petitioner has submitted that the petitioner has filed a representation dated 13.09.2023 (Annexure P-7) before respondents No.2 and 4, however, no action has been taken till date.

Notice of motion.

Ms. Upasna Dhawan, AAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

Heard. In view of the above, the present petition is disposed of with a direction to respondent No.4, to decide the representation dated 13.09.2023 (Annexure P-7) filed by the petitioners, in accordance with law within a period of 04 weeks from today.

(RAJESH BHARDWAJ)
JUDGE

06.11.2023
yakub

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