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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10855-2021 (O&M)
Date of decision: 15.04.2024

Pushpinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.P. Kaushal, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

Mr. Paramjit Singh Brar, Advocate for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the order dated 31.03.2021 (Annexure P-2) passed by the Appellate Tribunal-cum-Deputy Commissioner, Ferozepur.
2. The Appellate Tribunal-cum-Deputy Commissioner, Ferozepur, vide order dated 31.03.2021 (Annexure P-2) had allowed the appeal filed by respondent No.4 and had set aside the order dated 21.09.2020 passed by the Sub Divisional Magistrate, Ferozepur and had allowed the application filed by respondent No.4 for cancellation of the transfer deed dated 08.01.2016 bearing Wasika No.891 and subsequent sanction of mutation qua the said

transfer deed and declared the said transfer deed as void and respondent No.4 was declared to be the owner of the property.

3. Learned counsel for the petitioner as well as learned counsel for respondent No.4 have jointly submitted that during the pendency of the present writ petition, respondent No.4 has died and has left behind two legal representatives, one is the present petitioner and another is his daughter namely Reetinder Kaur Sekhon and the said daughter-Reetinder Kaur Sekhon has been ordered to be impleaded as legal representative of respondent No.4. It is further submitted that the compromise has been effected between the petitioner and respondent No.4 through her attorney-Kanwaljeet Singh and as per the said compromise, the matter has been settled and the impugned order dated 31.03.2021 (Annexure P-2) is to be set aside.

4. Learned counsel for respondent No.4 has filed an original affidavit of Kanwaljeet Singh, who is stated to be the special power of attorney of Reetinder Kaur Sekhon, along with the power of attorney and the special power of attorney dated 03.11.2023 in the Court today which is taken on record and marked as Mark "A". Relevant portion of the same is reproduced hereinbelow:-

"I Kanwaljeet Singh son of Jagtar Singh, resident of Dhillon Patti, Panj Garaian Khurd, District Moga (Punjab), Aadhar Card No.6142 6523 1851.

I the above named deponent do hereby solemnly affirm and declare as under:-

1. That I have been appointed as special power of attorney by Reetinder Kaur Sekhon wife of Satwinder Singh Sidhu,

resident of Karmiti, Tehsil Talwandi Bhai, District Ferozepur, holding USA passport No.513840733, at present residing at 2320 Verona Cr., Chino Hill, USA., vide special power of attorney dated 03.11.2023.

2. That Pushpinder Singh has filed CWP No.10853 of 2021 before Hon'ble Punjab and Haryana High Court, Chandigarh against the order dated 31.03.2021 (Annexure P-2) passed by Appellate Tribunal Ferozepur.

3. That the Smt. Reetinder Kaur Sekhon has authorized me to make the statement that as per compromise effected between her and his brother this above CWP may kindly be accepted she has got no objection.

Place: Chandigarh

Dated: 15.04.2024

Sd/-

Deponent”

5. Learned counsel for the petitioner as well as counsel for respondent No.4 have jointly submitted that in view of the said affidavit, the present writ petition be allowed and the impugned order dated 31.03.2021 (Annexure P-2) be set aside.

6. Keeping in view the abovesaid facts and circumstances and joint statement made on behalf of learned counsel for the petitioner as well as respondent No.4 and also in view of abovesaid affidavit, the present writ petition is allowed and the impugned order dated 31.03.2021 (Annexure P-2) is set aside.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

15.04.2024

Pawan

**(VIKAS BAHL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**