

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14045-2024(O&M)
Date of decision: 31.05.2024

Kusum Lata
... Petitioner
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Viren Sibal, Advocate, for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana,
Mr. Karan Jindal, Asstt. AG, Haryana and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral)

A mandamus is prayed for, to command the respondents to denotify/delicense the land in dispute that belongs to the petitioner and wrongly included in license No.67 of 1992.

Learned counsel for the petitioner submits that petitioner (Kusum Lata), as per her share in the Khata, owned a land measuring 6 kanals 3 marlas situated in revenue estate of village Ismailpur, District Faridabad. He submits that out of her share, petitioner had sold a part of the land (3 kanals 3 marlas) to one Akhileshwar Singh, vide vasika No.6374 dated 29.08.2018. Therefore, he submits that rest of the land, measuring 3 kanals, comprised in specific khasra numbers, depicted in the petition, is still owned by her. However, he submits the limited grievance that the petitioner has is: that even though the said land was never sold by her to respondent No.4 (M/s Durga Builders Pvt. Ltd.), but, to comply with the condition of minimum land required for grant of



licence, respondent no.4 clubbed/included the land owned by the petitioner to obtain licence. It is submitted that prior to the institution of this petition, the petitioner had even served the respondent-authorities with a representation dated 11.07.2023 (P-4). And, even though a considerable time has elapsed, the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court on behalf of respondents No.1 to 3. He vehemently disputes the claim of the petitioner and submits that there is nothing on record to indicate if the petitioner is even the owner of the land in question. Therefore, in the absence of any conclusive material, the grievance that is sought to be made is misconceived.

Be that as it may, he submits, for the competent authority is already in *seisin* of the representation (**ibid**) alleged to have been submitted by the petitioner, it would be expedient if this petition is disposed of, at this stage, to enable the competent authority to deal with the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law. He submits that before any such orders are passed, the petitioner shall be heard, for which a formal communication will be issued well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel. However, he submits that the matter being time sensitive, the respondent-authorities be directed to take a decision within a specified time.

In response, learned State counsel submits that a formal order, after affording an adequate opportunity to the petitioner, shall be passed within a period of 8 weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders in accordance with law.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

31.05.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO