



CWP-17218-2020

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

CWP-17218-2020

Date of Decision: May 27, 2024

Anwar Hussain and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Kulwinder Singh, Advocate and  
Mr.Saurav Bhatia, Advocate  
for the petitioners.  
Mr.Navneet Singh, Sr.DAG, Punjab.  
Mr.A.P.Kaushal, Advocate  
for respondent No.4.

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**RAJESH BHARDWAJ, J.(ORAL)**

1. Petitioners have approached this Court praying for issuance of directions to respondents No.1 to 3 to give physical possession and execute mutation in favour of petitioners in terms of order dated 30.09.2016, Annexure P-1, and Sanad, dated 10.07.2018, Annexure P-2.

2. It has been submitted by learned counsel for the petitioners that vide order, dated 30.09.2016, Annexure P-1, passed by respondent No.2, i.e. the Director, Panchayat and Rural Development, SAS Nagar, petitioners were held eligible for allotment of plots measuring five marla. He submits that with the change of Gram Panchayat, inquiry was conducted by the Tehsildar on the basis of which petitioners are held ineligible. He has submitted that the order passed by the Director, dated 30.09.2016 was never challenged. It is further submitted that no further decision was taken on the basis of which fresh inquiry was conducted by the Tehsildar.

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3. On the other hand, learned State counsel submits that admittedly the Director had passed the order dated 30.09.2016 wherein the petitioners were held eligible for allotment of plots. However, further inquiry was conducted in which it was specifically held that the petitioners are not eligible. He has drawn attention of this Court to the inquiry conducted, which is appended as R-6/T. However, it could not be denied that on the basis of this inquiry conducted, no fresh decision had been taken. This is also not clarified whether this inquiry was ordered by the Director himself or some other authority. However, the undisputed facts are that respondent No.2-Director had held the petitioners eligible. This order had never been challenged. However, even if the inquiry had been conducted the competent authority concerned has to take fresh decision on the decision of the inquiry conducted.

4 In view of the above facts, the present petition is disposed of with a direction to the Competent authority concerned to take into consideration the inquiry report on the basis of which the petitioners have not been allotted any plot. Both the sides would be given personal hearing by the Competent authority and fresh speaking order would be passed within two months from the date of appearance of the parties. However, parties would be at liberty to pursue their remedies in case any further cause of action accrues.

**May 27, 2024**

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1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

**( RAJESH BHARDWAJ )  
JUDGE****Yes/No  
Yes/No**