

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19941 of 2021
Date of Decision: 15.02.2024

Dharam Vir Singh (Deceased) through LRs and others
..... Petitioners

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for directing the respondents to comply with the order of High Court dated 01.09.1981 (Annexure P-4) passed while allowing CWP No.2719 of 1979 directing the Settlement Officer to make a final decision on the auction sale made in favour of petitioners on 15.10.1969 keeping in view two earlier decision of the Hon'ble High Court and also directing the respondents to comply with the order of Chief Settlement Commissioner dated 14.11.1984 (Annexure P-6) setting aside illegal order dated 04.01.1983 passed by the Assistant Settlement Commissioner and directing final decision to be made in compliance of order of the Hon'ble High Court dated 01.09.1981 but the respondents have delayed the same on account of pendency of civil suit which has already attained finality and the claim

is not being decided on one ground or another. Further prayer has been made for quashing the order of Commissioner (Sales) Karnal dated 15.07.2021 which has been passed on the basis of illegal order of Tehsildar (Sales), who had no jurisdiction in the matter and as the legal notice dated 04.11.2020 (Annexure P-17) has not been decided and claim of the petitioners for confirming auction sale could not have been declined. Further prayer has been made for quashing of order dated 22.11.1993 (Annexure P-11) passed by the Additional Settlement Commissioner and order dated 24.07.2013 (Annexure P-15) passed by the Tehsildar (Sales).

Learned counsel for the State has submitted that the petitioners filed legal notice dated 04.11.2020 (Annexure P-17) before the Deputy Commissioner (sales) and the Deputy Commissioner (Sales) passed an order dated 15.07.2021 (Annexure P-19) in compliance of order dated 14.11.1984 (Annexure P-6) passed by the Chief Settlement Commissioner. Learned State Counsel has further stated that the petitioners have the remedy to challenge the order of the Commissioner (Sales), Karnal dated 15.07.2021 before the Chief Settlement Commissioner and they can avail the same.

Learned counsel for the petitioners has fairly submitted that he may be allowed to withdraw the present petition with liberty to avail their alternative remedy before the Chief Settlement Commissioner and the learned Commissioner may be directed to decide the matter in a time bound manner.

Heard.

Keeping in view the above submissions, the present petition is dismissed as withdrawn with liberty to the petitioners to avail their alternative remedy of challenging the order dated 15.07.2021 before the Chief Settlement Commissioner. In case this remedy is availed, the Chief Settlement Commissioner is directed to decide the matter expeditiously as per law.

(RAJESH BHARDWAJ)
JUDGE

15.02.2024

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