

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20778-2023
Decided on : 13.02.2024

Krishna Nand Pandey and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present : Mr. Hemant Sarin, Advocate and
Mr. Rohit Mittal, Advocate
for the petitioners.

Mr. Ankur Mittal Additional Advocate General, Haryana,
Mr. Karan Jindal, Assistant Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate
for respondents No.1 to 3.

Mr. Chetan Mittal, Senior Advocate with
Mr. Mayank Aggarwal, Advocate
for respondent No.4.

VIKRAM AGGARWAL, J

1. The petitioners pray for the issuance of a writ of Certiorari quashing the order dated 25.07.2023 (Annexure P-21) and for the issuance of a direction to respondent No.1 to decide the appeal preferred by the petitioners on merits.
2. The dispute pertains to land measuring 5 kanal 10 marlas situated in Village Sunderpur, Tehsil Thanesar, District Kurukshetra (hereinafter referred to as 'the disputed land') owned by the petitioners which,

according to them, was wrongly included in land measuring 54.875 acres while granting a licence to respondent No.4 for setting up a residential colony in Village Sunderpur.

A fierce legal battle followed which included filing of civil suits, writ petitions etc. Ultimately, the matter reached respondent No.1 by way of an appeal filed by the petitioners. Respondent No.1, on one hand, adjourned the appeal *sine die* for awaiting the final decision of the Hon'ble Supreme Court of India where certain litigation was stated to be pending and at the same time disposed of the appeal after recording certain observations vide impugned order dated 25.07.2023. Aggrieved by the said order, the present writ petition has been filed.

On 06.02.2024, the following order was passed by this Court in the present writ petition:-

“Heard.

Notice of motion, confined to respondents No.1 to 4 only, at this stage.

Notice re: stay, as well.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, for respondents No.1 to 3, and Mr. Mayank Aggarwal, Advocate for respondent No.4 are present in Court. They accept notice and pray for a short accommodation to seek instructions and/or submit response. However, they submit that considering the limited issue that arises for consideration in the present lis, the matter be may kept for a shorter date.

Adjourned to 13.02.2024.

To be taken up immediately after urgent matters”

Today, learned counsel for the parties are *ad idem* that the impugned order dated 25.07.2023 (Annexure P-21) is not sustainable and that the appeal is required to be decided afresh by way of a speaking order after affording adequate opportunity of hearing to all the stakeholders.

We have considered the stand taken by learned counsel for the parties and have also perused the impugned order dated 25.07.2023 and find the same to be unsustainable.

In view of the aforesaid, the impugned order dated 25.07.2023 (Annexure P-21), passed by respondent No.1 is set aside and the matter is remitted to respondent No.1 with a direction to decide appeal No.28 of 2021 afresh after affording adequate opportunity of hearing to all stakeholders and by passing a detailed speaking order.

The writ petition accordingly stands disposed of in the above terms.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

13.02.2024
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No