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

CWP-23613-2024

Date of Decision: 17.09.2024

Lakshman Singh @ Luxman

....Petitioner

Versus

Deputy Commissioner-cum-Commissioner (Sales) Ambala and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Som Nath Saini, Advocate
for the petitioner.

HARSH BUNGER, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of mandamus for directing respondent No.1 to pass appropriate orders on the transfer order dated 04.08.2023 (Annexure P-1).

2. The petitioner is stated to have applied under the Haryana Evacuee Properties (Management & Disposal) Rules, 2011 for transfer of land comprised in Khasra No.15//28 measuring 4 Kanal 6 Marla situated at Patti Dhulkot, Hadbast No.60, Ambala.

2.1 According to the petitioner, the aforesaid land has been ordered to be transferred to the petitioner by the Naib Tehsildar (Sales), Ambala vide an order dated 04.08.2023 (Annexure P-1), the relevant extract of which



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reads as under:

“Therefore, the land Khasra No. 15//28 area 4 kanal 6 marla, meaning there by, 2602 sqy. situated at Patti Dhulkot, Ambala City is transferred to applicant, Sh. Lakshman Singh S/o Sh. Gianna Ram S/o Nikka Ram R/o 74/12C, New Partap Nagar (Dhulkot), Ambala City for Rs. 1,41,28,860 (Rs. One Crore forty one lakh, twenty eight thousand eight hundred sixty). In addition to this the occupant/applicant has to deposit into Govt. treasury Rs. 28,25,772/- (Rs. twenty eight lakh, twenty five thousands, seven hundred, seventy two) toward use & occupation charges and Rs. 33176/- (Thirty three thousand, one hundred, seventy six) as the cost of plants within one month of this order and this amount will not be refunded to the occupier in any case. The 25% cost of this land will be deposited within a month time into govt. treasury after the confirmation of competent authority conveyed in this behalf. The Balance amount will be deposited into govt. treasury in 10 half yearly installments with 12% interest. If the applicant/ occupier, deposit the whole amount of land cost within 60 days after conveying the approval of cost, then he will be entitled for 10% rebate from the total cost of land. This order will be subject to the confirmation of Commissioner (sales)-cum-Deputy Commissioner, Ambala.”

3. A perusal of the above extracted order dated 04.08.2023 (Annexure P-1) would show that the same is subject to the confirmation of Commissioner (Sales)-cum-Deputy Commissioner, Ambala.

4. Learned counsel for the petitioner submits that the matter is still pending before the Deputy Commissioner-cum-Commissioner (Sales), Ambala for confirmation of order dated 04.08.2023 (Annexure P-1) and prays that the time bound directions be issued to the competent Authority for the final adjudication of the claim of the petitioner.



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AAG, Haryana, appears on behalf of respondent-State.

6. Learned State counsel on instructions from Mr. Ravinder Gupta, Tehsildar (Sales), Ambala submits that respondent No.1 (Deputy Commissioner-cum-Commissioner (Sales), Ambala)/competent Authority shall take decision either way, on the aforesaid order dated 04.08.2023 (Annexure P-1) within a period of four months from today.
7. Learned counsel for the petitioner, keeping in view the aforesaid submissions made by learned State counsel, submits that he does not intend to press the instant writ petition any further, at this stage.
8. Keeping in view the submissions made by learned counsel for the parties, the present writ petition is disposed of accordingly.
9. All the pending application(s), if any, shall also stand closed.

17.09.2024
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(HARSH BUNGER)
JUDGE

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