

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 114

**Civil Writ Petition No.3810 of 2025****Date of Decision: April 28, 2025**Manoj Kumar

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

**CORAM:** HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MS. JUSTICE LAPITA BANERJI

**PRESENT:** - Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana  
assisted by Mr. Sourabh Mago, Deputy Advocate General,  
Haryana.

**DEEPAK SIBAL , J (Oral)**

The petitioner had earlier knocked the doors of this Court through CWP No.8605 of 2024, 'Manoj Kumar vs. State of Haryana & others', on the ground that respondent No.2, while deciding his application, filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, '1948 Act') had not taken into consideration the spot inspection report dated 19.09.2023 by the Tehsildar, Ganaur. Order dated 04.01.2024, which had been impugned by the petitioner, was set aside. Through order dated 23.04.2024, this Court disposed of the petitioner's aforesaid petition with a further direction to respondent No.2 to take a fresh decision on the petitioner's application filed under Section 42 of 1948 Act but only after considering the spot inspection report dated 19.09.2023 by the Tehsildar, Ganaur.

2. Pursuant to the aforesaid order of this Court dated 23.04.2024, respondent No.2 has passed a fresh order dated 19.11.2024 through which he has reiterated the view taken by him earlier through his order dated 04.01.2024. The



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order dated 19.11.2024, passed by respondent No.2 is the subject matter of challenge through the instant proceedings.

3. After hearing learned counsel for the parties and perusing the record, we find that through the impugned decision dated 19.11.2024, respondent No.2 has decided petitioner's application filed by him under Section 42 of 1948 Act but in the operative part of the order, no reference is found to the spot inspection report dated 19.09.2023 by the Tehsildar, Ganaur. The omission by respondent No.2 not only renders the impugned decision illegal on account of non-application of mind but also because it is in violation of the specific directions given by this Court through order dated 23.04.2024 passed in the earlier writ petition filed by the petitioner being CWP No.8605 of 2024.

5. In the light of above, the impugned order/decision dated 19.11.2024 passed by respondent No.2 is set aside with a further direction to respondent No.2 to take a fresh decision on the petitioner's application filed by him under Section 42 of 1948 Act by considering all relevant factors including the inspection report dated 19.09.2023 by Tehsildar, Ganaur and after hearing all concerned, in accordance with law. The needful be done within three months from the date of receipt of a copy of this order.

6. Disposed of.

**(Deepak Sibal)**  
Judge

**(Lapita Banerji)**  
Judge

**April 28, 2025**

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Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No