

2025PHHC:140472



235-1

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

CWP-4822-2000

Date of Decision: 08.10.2025

Krishna Rani

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Abhimanyu Antil, DAC, Haryana.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a direction to the respondents to allot the land which was initially cancelled, vide order dated 01.05.1985 (Annexure P-1), but subsequently restored vide order dated 09.12.1998 (Annexure P-2) passed by the learned Additional Settlement Officer-cum-Assistant Settlement Commissioner, Karnal, Haryana.

2. Today, there is no representation on behalf of the petitioner.

3. Learned State counsel submits that the present writ petition has been rendered infructuous in view of the fact that the aforesaid order dated 09.12.1998 (Annexure P-2), whereby the allotment was restored in favor of the petitioner; the same has already been set aside in a *suo moto* reference by the learned Chief Settlement Commissioner, Haryana, vide order dated

07.08.2001 (Annexure R-2). The relevant extract thereof reads as under:-

“6. After considering all the facts of the case, I am of the considered view that the order dated 30.4.85 of the Section Officer cum M.O. was valid one as the original allottee never came to accept the allotment or possession of the land after the allotment before the enactment of the ibid Act. Moreover, this was a temporary allotment and for obtaining Compensation under the Displaced Persons (C&R) Act he or his legal heirs were required to file the application on the prescribed form before the competent authority. Since they had been allocated land under the conditions of the Custodian issued vide notification dated 8th July, 1949, they were required to apply under Rule 71 & 72 of the Displaced Persons (C&R) Rules 1955 well within the time. No such action was taken either by the original allottee or his legal heirs. Therefore, the Section Officer cum M.O. was right to cancel the temporary allotment and to dispose of the retrieved land by auction. The order of the Section Officer cum Managing Officer has been assailed only on the ground of not issuing notice to the original allottee or his legal heirs. When the whereabouts of the allottee were not known and his last known address was of the village itself where the land in question was situated, therefore, the course of action taken by the Section Officer cum Managing Officer to order for substituted service under sub rule 7 of the Rule 117 was legal one as already explained in detail. Therefore, the order dated 9.12.1998 of the Additional Settlement Officer (Sales), Karnal was not based on facts of the case and was without appreciation of provision of various Laws relating to rehabilitation of displaced persons and I, therefore, set aside the same and accept the reference accordingly. The record of the lower courts be returned and the record of this court be consigned to records.”

4. Keeping in view the aforesaid submissions made by learned State counsel, the present writ petition is disposed of as having been rendered infructuous.

- 5. All the pending application(s), if any, shall also stand closed.
- 6. A copy of this order be sent to the petitioner at the address given in the Memorandum of Parties.

08.10.2025
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No