

however, its mutation was not entered in the name of Haryana Government. It is stated that on 05.02.2020, learned Collector passed an order directing entering of mutation of the aforesaid surplus land in the name of Haryana Government.

2.1 It is claimed by the petitioners that on 21.03.2020, learned Collector (Agrarian) made a statement before the media that non-biswedars, backward and scheduled caste people of village Gahbar, Badoji and other nearby villages have applied before the office of SDM, Nuh and demanded allotment of surplus land. It is stated that on 06.11.2020, the petitioners applied for allotment of land, which was declared surplus and the aforesaid application submitted by the petitioners was sent for verification, whereupon it was reported that the petitioners did not have any immovable or movable property. Petitioners state that on 13.04.2021, learned Collector (Agrarian) issued a certificate of allotment (Form US-3) in the name of petitioners by allotting them 49 Kanal – 2 Marla land out of the surplus land, and petitioners were directed to deposit the allotment amount.

2.2 It is stated that in pursuance to the allotment letter dated 13.04.2021 (Annexure P-4), the petitioners deposited the entire amount and on 04.05.2023, learned Collector (Agrarian) issued Form US-4 (Annexure P-8).

2.3 It is averred that despite allotment and deposit of amount, the mutation of the allotted land was not entered in the name of the petitioners, accordingly, they submitted an application dated 09.10.2023 (Annexure P-9) before the Tehsildar, Nuh, and another application dated 17.10.2023 (Annexure P-10) before learned Deputy Commissioner,

Nuh however, no action was taken thereon. Thereafter, the petitioners filed a writ petition (CWP-25500-2023) before this Court, which came to be disposed of, vide order dated 14.11.2023 (Annexure P-11) with a direction to the Tehsildar to decide the application submitted by the petitioners, as per law.

2.4 It transpires that the petitioners filed a contempt petition (COCP-3206-2024) on the plea that order dated 14.11.2023, passed by this Court in CWP-25500-2023 had not been complied with. During the pendency of the contempt proceedings, the order dated 27.10.2023 (Annexure P-12) was passed by learned Collector (Agrarian); accordingly, contempt petition was ordered to be dismissed with liberty to the petitioners to avail their appropriate remedies in accordance with law.

3. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition for the relief(s), as noticed hereinabove.

4. Heard.

5. It is the case of the petitioners that respondent-department had issued an advertisement inviting applications for allotment of surplus land to landless persons and in pursuance to the said advertisement, the petitioners submitted an application on 06.11.2020 and thereafter, learned Collector (Agrarian) issued a certificate of allotment i.e. Form US-3 (Annexure P-4) dated 13.04.2021 in the names of the petitioners, which was followed by the issuance of Form US-4 on 04.05.2023 (Annexure P-8), however, the said allotment has been wrongly cancelled, vide order dated 27.10.2023 (Annexure P-12).

5.1 During the course of hearing of this petition, a specific query was put to learned counsel for petitioners to refer to the advertisement

issued by respondent-department, calling upon the applications for allotment of surplus land to landless persons, however, he was unable to show any such advertisement.

5.2 In the present case, the application dated 06.11.2020 (Annexure P-3), submitted by the petitioners, seeking allotment of land gives an interested reading, the relevant extracts of which read as under :-

“To The Collector Agrarian, Nuh.

Subject:- Application for allotting surplus land bearing rect. 11 Killa no. 25 and rect. 6 killa no. 16, 24, rect. 5 killa no. 5, 16, rect. 7 killa no. 3, 13, rect. 2 killa no. 13 belonging to village Gehbar as per rule.

Sir, It is prayed that we i.e. 1. Saraswati wife of Bhagwan Dass, 2. Smt. Mishri wife of Tek Chand, 3. Poonam wife of Kishan Chand r/o villag Gehbar, Tehsil and District Nuh. We purchased the above said land, but the above stated land was declared as Surplus land. If the above said land is declared as surplus, then the said land may kindly be allotted to us by watching our purchasing and we are ready to pay installments as per rule to Government. You would be highly obliged.

Dated: 06.11.2020

Applicants”

5.3 Apparently, there is no reference to any advertisement in pursuance to which the said application dated 06.11.2020 (Annexure P-3) was made by petitioners. Further, a perusal of the impugned order dated 27.10.2023 (Annexure P-12) would show that Form US-3, on which the petitioners are placing reliance, is stated to have been issued by the then Surplus Patwari Shri Bhagat Ram by forging the signatures of learned Collector (Agrarian). The relevant extracts of order dated 27.10.2023 (Annexure P-12) read as under :-

“To

*Tehsildar,
Nuh*

No. 157/surplus

dated 27.10.2023

Sub:- Regarding cancellation of issued US-4 of Village Gehbar.

On the subject mentioned above, it is written to you through the letter that following US-3 details whereof is given below have been issued by forging signature of the undersigned by the then surplus pawtari Sh. Bhagat Ram working in this office :

<i>Sr. No.</i>	<i>Name of village (Rakaba)</i>	<i>Name</i>	<i>Killa No.</i>	<i>Letter no. and date of issue</i>	<i>Particulars</i>
<i>1</i>	<i>Gahbar</i>	<i>Sarswati etc.</i>	<i>11//25, 6//16-24, 5//8-16, 7//3-13, 2//13 total 42-9</i>	<i>No. 162-163 dated 13.09.2022</i>	<i>Fake signature on US-3</i>
<i>2</i>	<i>Gahbar</i>	<i>Mangal-Ramswarup</i>	<i>16//13-1, 13//2, 18, 2//18, 4//3-10, 7//18-19 total 46-10</i>	<i>No. 164 dated 13.09.2022</i>	<i>Fake signature on US-3</i>
<i>3</i>	<i>Gahbar</i>	<i>Phoolwati</i>	<i>8//19 min, 2//20-23, 4//1-8, 5//25, 6//25/1, 15//4 total 46-12</i>	<i>No. 166-167 dated 13.09.2024</i>	<i>Fake signature on US-3</i>
<i>4</i>	<i>Gahbar</i>	<i>Sarswati etc.</i>	<i>12//10-11-12, 16//26, 6//5-6-15, 7//23-21 total rakaba 50-19</i>	<i>No. 168-169 dated 13.09.2024</i>	<i>Fake signature on US-3</i>

Moreover, after perusal of diary dispatch register of Surplus branch it has been found that besides forged signature on US-3, the serial number and date of issue are also forged. Then surplus patwari Sh. Bhagat Ram with malafide intention got US-4 issued in respect of above mentioned killa numbers by the undersigned. The details whereof are as below :

<i>Sr. No.</i>	<i>Name of village (Rakaba)</i>	<i>Name</i>	<i>Killa No.</i>	<i>Letter no. and date of issue</i>
<i>1</i>	<i>Gahbar</i>	<i>Sarswati etc.</i>	<i>11//25, 6//16-24, 5//8-16, 7//3-13, 2//13 total 42-9</i>	<i>No. 73 dated 04.05.2023</i>
<i>2</i>	<i>Gahbar</i>	<i>Mangal-Ramswarup</i>	<i>16//13-1, 13//2, 18, 2//18, 4//3-10, 7//18-19 total 46-10</i>	<i>No. 71 dated 04.05.2023</i>
<i>3</i>	<i>Gahbar</i>	<i>Phoolwati</i>	<i>8//19 min, 2//20-23, 4//1-8, 5//25, 6//25/1, 15//4 total 46-12</i>	<i>No. 75 dated 04.05.2023</i>
<i>4</i>	<i>Gahbar</i>	<i>Sarwaswati etc.</i>	<i>12//10-11-12, 16//26, 6//5-6-15, 7//23-21 total rakaba 50-19</i>	<i>No. 74 dated 04.05.2023</i>

In addition to above, another US-4 of which serial no. 72 and date of issued is 04.05.023. Therefore, all above mentioned issued US-4 are cancelled with immediate effect. Besides, you are hereby directed not to enter mutation in respect of said killa numbers and initiate disciplinary proceedings against then Surplus patwari Sh. Bhagat Ram.

*Sd/-
Collector Agrarian-cum
Sub Divisional Officer (Civil),
Nuh”*

6. Learned counsel for petitioners has failed to raise any meaningful argument to refute the contents of the above extracted order dated 27.10.2023 (Annexure P-12), passed by learned Collector (Agrarian). Petitioners are seeking benefit of allotment, which is stated to be a fraudulent act of Surplus Patwari Sh. Bhagat Ram. Petitioners have failed to refer to any material to show that the Government had issued advertisement calling upon applications for allotment of surplus land nor the petitioners have been able to show that they are entitled to allotment of surplus land under any rule, policy or instructions issued by the Government. Consequently, I find no justification in the claim of the petitioners.

7. Resultantly, the instant civil writ petition fails and the same is dismissed.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

03.03.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No