
(1993) 05 P&H CK 0098
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1908 of 1992

Rajbir Kaur and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 03-05-1993

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Pepsu Tenancy and Agricultural Lands Act, 1955 — Section 32D

Citation : (1993) 104 PLR 224

Hon'ble Judges : J.B. Garg, J

Bench : Single Bench

Advocate : Anand Swaroop and Alok Jain, for the Appellant; Suvir Dewan, A.A.G., for the Respondent

Judgement

J.B. Garg, J.—Kanwar Girinder Singh of Charkhi Dadri, District Bhiwani, was declared to be a big land-owner and the land in his hands was declared surplus by the order dated 7-9-1972. The aforesaid order was set aside in Civil Writ Petition No. 3982 of 1972 decided on 29-5-1973 by M. R. Sharma, J., and it was ordered that petitioner were to be heard for determination of the surplus area afresh in accordance with law. The S.D.O. (Civil), Charkhi Dadri looked into the matter and considerable land was declared surplus by his order dated 30-11-1976.

2. The aforesaid order alleged to have been passed by the prescribed authority-cum-S D.O (Civil), Charkhi Dadri has been challenged by means of the present writ petition and it has been alleged that the purpose of the directions of this Court was that the procedure contemplated in Section 32-D of the Pepsu Tenancy and Agricultural Lands Act, 1955 was to be followed and a draft statement was to be served and objections were to be heard and thereafter an appropriate order was to be passed. There was also a requirement that the order was to be published in the official gazette. However, nothing of this kind was done and instead the "prescribed authority" acted under the Haryana Act and the

impugned order dated 30-11-1976 is a nonest and contrary to the directions of this Court and was not in accordance with the provisions of the Pepsu Tenancy and " Agricultural Lands Act, 1955.

3. In reply to this petition it has been averred that draft statement was not prepared and no notification was published u/s 6. It has also been mentioned that though designation of the S.D.O. (Civil) has been mentioned as the "prescribed authority" under the Haryana Act but this was merely an irregularity.

4. The learned counsel for the State of Haryana could not contradict that the essential requirements of a draft statement, a hearing and the publication in the official gazette etc. have not been gone into. This would show that in substance the order dated 29-5-1973 has not been complied with and as a consequence thereof the present petition is accepted and the impugned order dated 30-11-1976 is set aside. The parties shall appear before the Collector (Agrarian), Charkhi Dadri on 12-7-1993.