**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20**

**Next Date of Hearing 19.8.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

3rd Application u/s 151 C.P.C. for preponing the date of above mentioned case to some early date and/or vacate the ex-party stay order dated 19.3.2020, now this case is fixed for 19.8.2021 .

RESPECTFULLY SHOWETH:

1. That above said R.O.R. is pending before this Hon,ble Court and fixed for 19.8.2021 . Petitioners have preferred the above said R.O.R. against the order dt. 21.1.2020 passed by the Ld. A.C.2nd Grade ,Jind wherein order of execution of Sanad Taksim has been issued but Petitioners obtained the ex-party stay order against it i.e. on 19.3.2020
2. That now there is grave urgency arose in this case, because in final partition proceeding before the Ld. AC-II Grade Jind, two acre land have been given to the respondents , now these allotted land has been acquired by the National Highway Authority for construction of Delhi-Katra Express highway ,which is admitted by the petitioners in the para no.1 and 7 and compensation of the said acquired land has been deposited before the Distt. Revenue Officer (DRO) Jind in the month of Nov.2020 and total compensation of acquired land has been deposited in the account of land oustees but in the matter of respondent no.3 their compensation amount of Rs. 1 crore 18 lakh could be not deposited in the account of respondent No.3 due to stay order granted by this Hon,ble Court. Now, there is grave urgency in this case for final adjudication because possession of the acquired can be taken very soon i.e after harvesting the white crop in the month of April and further , if the possession of the acquired land would be taken than there is no source of income for bread and butter would remain to the petitioner.
3. That in the above mentioned circumstances the case of the applicant deserves to be heard on an earlier actual date.

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date and/OR to vacate the ex-party stay order dated 19.3.2020 in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: .2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.3

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20 (JIND)**

**Next Date of Hearing 25.7.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

Affidavit of son of Sat Narain resident of Village Jamni Sub Tehsil, Pillu Khera District-Jind.

I, the above named deponent do hereby solemnly affirm and declare asunder:-  
 That the deponent has gone through the contents of the accompanying application for preponing the case which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

Place:

Dated:

Verification :

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

Place:

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20 ( JIND)**

**Next Date of Hearing 19.8.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

I N D E X

|  |  |  |  |
| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1. | Application u/s 151 CPC for early hearing OR vacate the stay order | . .2021 | 1-2 |

2. Affidavit . .2021 3

3. Stay Order 19.3.2020 4

Power of Attorney already on record

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CHANDIGARH

DATED:- . .2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT NO.3

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20**

**Next Date of Hearing 15.7.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

Application u/s 151 C.P.C. for preponing the date of above mentioned case to some early date and vacant the ex-party stay order dated 19.3.2020,now this case is fixed for 22.7.2021 .

RESPECTFULLY SHOWETH:

1. That above said ROR is pending before this Hon,ble Court and fixed for 25.7.2021 . Petitioners have preferred the above said R.O.R. against the order dt. 21.1.2020 passed by the Ld. A.C.1st Grade ,Jind wherein order of execution of Sanad Taksim has been issued but Petitioners obtained the ex-party stay order against it i.e. on 19.3.2020
2. That now there is grave urgency arose in this case, because in final partition proceeding before the Ld. AC-II Grade Jind, allotted land i.e two acre has been given to the respondents ,which, now has been acquired by the National Highway Authority for construction of Delhi-Katra Express High Way ,which is admitted by the petitioners in the para no.1 and 7 and compensation of the acquired land has been deposited before the Distt. Revenue Officer (DRO) Jind in the month of Nov.2020 and compensation of acquired land has been deposited in the account of land oustees but in the matter of respondents their compensation amount of Rs. 1 crore 18 lakh not deposited in the account of respondent No.3 due to stay order granted by this Hon,ble Court. Now, there is grave urgency in this case for final adjudication because possession of the acquired can be taken very soon i.e after harvesting the white crop.
3. That in the above mentioned circumstances the case of the applicant deserves to be heard on an earlier actual date.

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 3 .2.2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.3

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20**

**Next Date of Hearing 22.7.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

Affidavit of son of Sat Narain resident of Village Jamni Sub Tehsil, Pillu Khera District-Jind.

I, the above named deponent do hereby solemnly affirm and declare asunder:-  
 That the deponent has gone through the contents of the accompanying application for preponing the case which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

Place:

Dated:

Verification :

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

Place:

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20 ( JIND)**

**Next Date of Hearing 22.7.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

I N D E X

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| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1. | Application u/s 151 CPC for early hearing | 3.2.2021 | 1-2 |

2. Affidavit .2.2021 3

3. Stay Order 19.3.2020 4

Power of Attorney already on record

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CHANDIGARH

DATED:- 3.2.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT NO.3

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

 C.M. no. of 2020

IN COCP NO 3240 0F 2019

IN C.W.P. 29851 of 2018

Brij Mohan and another -------------Petitioners

VERSUD

M. Shayin and another ---------------- Respondents

I N D E X

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| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1. | Application u/s 151 CPC for early hearing | 17.9.2020 | 1-4 |

2. Affidavit .9.2020 5

Power of Attorney already on record

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CHANDIGARH

DATED:- 17.9.2020 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHNADIGARH

 C.M. no. of 2020

IN COCP NO 3240 0F 2019

IN C.W.P. 29851 of 2018

Brij Mohan and another -------------Petitioners

VERSUS

M.Shayin and another ------------------- Respondents

Affidavit of Jai Bhagwan son of Sh. Badri Narayan Village Khanpur –Khurd- Tehsil Matanhail Distt. Jhajjar.

I, the above named deponent do hereby solemnly affirm and declare as under:-  
 That the deponent has gone through the contents of the accompanying application for preponing the case which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

Place:

Dated:

Verification :

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

Place:

Date:-

Application u/s 151 CPC for early hearing to fix actual date and to pass appropriate order as applicant /respondent has no objection to allow the present appeal.

RESPECTFULLY SHOWETH:

1. That above said appeal is pending /admitted before this Hon,ble Court. Appellant/husband has preferred the above said appeal against the order dt. 2.2.2013 passed by the Ld. Distt. Judge ,Jind. Appellant /husband filled the divorce petition under section 13 of Hindu Marriage Act-1955 for dissolution of marriage before the Distt.Judge Jind but same was dismissed.
2. That marriage of the appellant-husband with respondent- was solemnized on 25.12.2010 at village Sangatpura District Jind according to Hindu rites and ceremonies. However, no issue had born out of their wedlock. Now, both the husband and wife in this case have been staying separately for last 5-6 years and there is no chance of their reconciliation , thus, the respondent-wife on the advice of her parents has decide to dissolve the said marriage and to re-habiliate herself . So, in view of the matter , the applicant –wife has no objection if the appeal preferred by the husband which is pending in this Hon,ble Court may be allowed .
3. That appellant-husband not at all in a mood to keep the applicant-wife in order to pull the matrimonial life.

It is , therefore, prayed that the above said appeal may kindly be listed for hearing and be allowed.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 3 . 8 .20 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No. of 2021**

Ramphal Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

Reply on behalf of the Respondent no.1 and 3 of the application for impleading the National Highway Authority filled by the Revisionists .

**On Merits :-**

* 1. That the present revision petition filled by the petitioners/revisionists without Jurisdiction and not maintainable before this Court according to the latest amendment in Section 16 of the Punjab Land Revenue Act,1887 (Haryana Amendment) because amendment made vide Notification dated 10 April 2017 whereas , present application for partition filled by the revisionists before the Assistant Collector 2nd Grade on 19.5.2017.

**Section 16 of the latest amendment w.e.f. 10.4.2017 is reproduced below for kind consideration of this Hon,ble Court.**

For section 16 of the principal act ,the following section shall be substituted ,namely:

**16. Power to call for, examine and revise proceedings of Revenue Officer ;**

1. The Commissioner may call for the record of any case pending before ,or disposed of by any Revenue –officer under his control and pass such order ,as he thinks fit.
2. The Collector may also call for the record of any case pending before ,or disposed of by any Revenue –officer under his control and if he is of the opinion that the proceedings taken or order made should be modified or reversed ,he shall report the case with his opinion thereon for the orders of the Commissioner ,whose decision shall be final .

Provided that he shall not pass an order reversing or modifying any proceeding or order of a subordinate Revenue Officer and affecting any question of right between private persons without giving them an opportunity of being heard”….

**Before the amendment (w.e.f. 10.4.2017) in Section 16 of the Punjab land Revenue Act. 1887, old Section 16 of this Act is reproduced below:-**

**Section 16 for Haryana**

**Power to call for ,examine and revise proceedings of Revenue –Officers.**

16. (1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue-officer subordinate to him.

2) A Commissioner- or Collector may call for the record of any case pending before, or disposed of by, any Revenue -officer under his control.

(3) If in any case in which a Collector has called for a record and he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner whose decision shall be final.

(4) The Financial Commissioner under sub-section (I), or Commissioner, under sub-section (2), in any case called for by himself. may pass such order-s as he think fit :

Provided that he shall not under this section pass an order reversing or modifying, any proceeding or order of a subordinate Revenue-officer and affecting any question of right between private persons without giving those persons an opportunity of being heard :

Provided Further that the revisional cases pending before the commencement of the Punjab Land Revenue (Haryana Amendment) Act, 1996, shall be decided by the Financial Commissioner as heretofore.]

It is pertinent to mention here that this Hon,ble Court in CWP No. 10182 of 2017 titled as Smt. Rajesh and Others v/s State of Haryana has held that Notification dated 10.4.2017 would apply prospectively to the new cases instituted seeking partition of the land and not in the matters which are pending adjudication. True copy of order dated 12.5.2017 passed by this Hon,ble Court is attached herewith as **Annexure R/1.**

Further **Division Banch of this Hon,ble Court held in CWP no. 15427 of 2004** that Mode of Parttion –Naksha Jeem approved as per mode of parttion –No objections were raised to the naksha jeem –Partition was approved as per said naksha ,aks sajra and field book- possession delivered to the parties according to the Sanad Partition and khata of all the co-owners were separated and parttion order stood implemented by the revenue authorities and rapat in the revenue record had also been entered **.** True copy of order dated 19.12.2006 passed by the Hon,ble Division Bench of this Court for kind perusal is attached herewith as **Annexure R/2.**

In this way, above mentioned new amendment u/s 16 of the Punjab Land Revenue Act,1887, this revision petition filled by the petitioners is not maintainable and without jurisdiction before this Court.

* 1. That for the sake of argument ,otherwise also this court has to see, as to whether the partition proceedings were conducted properly and the proceedings was properly followed or not and in any case, it cannot be argued by the revisionists that partition proceedings became redundant or not feasible to be implemented on account of the acquisition proceedings which took place subsequently after the delivery of the possession and after entry in the Rapat Roze-namcha of the record, which is the last report to be done by the Revenue Authority and moreover also in view of the fact that all objections with regard to acquisition are the subject matter of the statutorily authority i.e. National Highway Act which never been exhausted by the revisionists ,therefore, all the objections of the revisionists beyond the jurisdiction of this Hon,ble Court. True copies of the possession delivery i.e. last process Rapat Roznamcha are attached herewith as **Annexure R/3.**
  2. **T**hat stand of the revisionists is totally wrong , because Naksha “Kha ” was prepared on 10.2.2019 by the mutual consent of both the parties after taken into consideration their objections . true photo copies in this regard i.e. zimni order dated 29.11.2017 and 31.10.2019 are attached herewith as **Annexure R/4.** More over revisionists has not challenged the Naksha “Kha”.
  3. That partition is , as per Mode of Partition. It is no where mentioned in the Mode of Partition that Kura of Dharm Singh and Mia Singh (respondent no. 4 and 5 before A.C. Second Grade partition proceedings) would be made separately because as per Sr. No. 5 of the Mode of Partition that Kura of Dharma and others ( revisionists) has to be made collectively.
  4. That It is also wrong that partition was disturbed , the kill no. in which Parkash etc. installed the tubwell falls in his share i.e. killa no.47/17/2 and not allotted anyone else.
  5. That the present application filled by the revisionists to implede National Highway as necessary party is not maintainable because the land in questions was acquired vide Notification dated 18.12.2020 (which is attached with the application of the revisionists ) by the National Highway Authority and partition proceedings was completed in Jan.2020 and prior to acquisition, National Highway Authority gave vast publicity through advertisement in two news papers and the objections were invited but petitioners could not file the objections under the said Act .

**Section 3-C of the said Act is reproduced for kind** consideration.

Hearing of objections.—(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2.) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

7. That if the petitioners/revisionists are aggrieved they can approach to the National Highway Authority for their alleged redressal of grievances under the **“Control of Access to National Highways “** Section 28 and 29 of this act are reproduced below for kind consideration of this Hon,ble Court:-

**Section 28 in the Control of National Highways (Land and Traffic) Act, 2002**

28. Right of access.—

[(1)](https://indiankanoon.org/doc/930179/) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

[(2)](https://indiankanoon.org/doc/559679/) The access to a Highway under sub-section (1) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

[(3)](https://indiankanoon.org/doc/1802233/) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

**Section 29 in the Control of National Highways (Land and Traffic) Act, 2002**

29. Procedure for permission to access to Highway.—

[(1)](https://indiankanoon.org/doc/580294/) The general permission under sub-section (1) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

[(2)](https://indiankanoon.org/doc/9980/) Any person desirous of obtaining specific permission referred to in sub-section (1) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

[(3)](https://indiankanoon.org/doc/1923507/) In case, where the permission has been given in respect of the application made under sub-section (2), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

[(4)](https://indiankanoon.org/doc/381501/) If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be, shall be deemed to be unauthorized access and the Highway Administration or the officer authorized by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

It is ,therefore, respectfully prayed that present application and revision petition filled by the petitioners devide of any merit and without jurisdiction , should be dismissed with heavy cost ,because everything has been carried out following the proper procedure as per Punjab Land Revenue Act.

SURESH AHLAWAT

ADVOCATE

Counsel for the Respondent no.1 and 3

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20 ( JIND)**

**Next Date of Hearing 16.9.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

I N D E X

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| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1  2.  3  4.  5 | Reply  Order of High Court ( R/1)  Order of High Court (D.B.)  Rapat (possession delivery)  Zimni Order (R/4)  Power of Attorney already on record | 14.9.2021  12.5.2017  19.12.2006 | 1-7  8-9  10-11 |

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CHANDIGARH

DATED:- 14.9.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT NO. 1 and 3

**BEFORE THE LD. COMMISSIONER HISAR DIVISION,**

**HISAR**

**Partition Matter (JIND) R.O.R. No. of 2021**

Ramphal Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

Reply on behalf of the Respondent no. Ramjuwari

**On Merits :-**

1. **That** there is huge delay i.e. one year 10 months for filling this petition because the petitioners already filled revision petition in cleaver manner against the final order dated 21.1.2020 of sanad -tekshim passed by the Ld. AC 2nd Grade Pillu-khera (Safidon) before the Ld. Financial Commissioner in the March 2020 after concealing the martial facts and obtained the wrongly stay order without jurisdiction . Later on, said petition withdrew on 30.10.2021 after the direction of the ld. F.C. that to approach the competent authority, then they approached the Hon,ble High Court instead of approaching this Hon,ble Court , because Hon,ble High Court is also not having the jurisdiction .Than petitioners come before this Hon,ble Court to lingering on this matter. It is settled law that time spent in wrong court cannot be made a ground for condonation of delay. Thus, on this score that revision petition is liable to be set aside/dismissed .
2. **That**  regarding the matter of National Highway, the land in question was acquired vide Notification dated 18.12.2020 (which is attached with the petition by the revisionists ) by the National Highway Authority and partition proceedings was completed in Jan.2020 without disturbing the possession of all co-sharers , and now this has been entered in the Rapat -Rojnamcha . Prior to acquisition, National Highway Authority gave vast publicity through advertisement in two news papers and the objections were invited but the petitioners could not file the objections under the said Act neither any application has been moved till date by the petitioners u/s 3-C , 28 and 29 before the National Highway Authority of India regarding access/rasta for ingress and egress to Highway who is the sole independent statutory authority in the matter of deciding the access /rasta dispute for ingress and egress , any other statutory or quashi judicial statutory authority had no jurisdiction to entertain such type of dispute.

**Section 3-C of the said Act is reproduced for kind** consideration.

Hearing of objections.—(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2.) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Further if the petitioners/revisionists are aggrieved they can approach to the National Highway Authority for their alleged redressal of grievances under the **“Control of Access to National Highways “** Section 28 and 29 of this act are reproduced below for kind consideration of this Hon,ble Court:-

**Section 28 in the Control of National Highways (Land and Traffic) Act, 2002**

28. Right of access.—

[(1)](https://indiankanoon.org/doc/930179/) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

[(2)](https://indiankanoon.org/doc/559679/) The access to a Highway under sub-section (1) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

[(3)](https://indiankanoon.org/doc/1802233/) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

**Section 29 in the Control of National Highways (Land and Traffic) Act, 2002**

29. Procedure for permission to access to Highway.—

[(1)](https://indiankanoon.org/doc/580294/) The general permission under sub-section (1) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

[(2)](https://indiankanoon.org/doc/9980/) Any person desirous of obtaining specific permission referred to in sub-section (1) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

[(3)](https://indiankanoon.org/doc/1923507/) In case, where the permission has been given in respect of the application made under sub-section (2), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

[(4)](https://indiankanoon.org/doc/381501/) If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be, shall be deemed to be unauthorized access and the Highway Administration or the officer authorized by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

Thus, on this score also the impugned petition is liable to be set aside/quashed .

**3. That** petitioners are raising this objection unnecessary without any legal force, sole purpose of the petitioners is ,to lingering on this matter because two acre land of the Ramjuwari (who is sole contestant/ respondent no. 6 ) has been acquired after completion of partition proceeding as stated above by the National Highway Authority and land compensation i.e. amount of **Rs. 1 crore 16 lakhs** of the said acquired land had been deposited in the month of Nov.2020 before the LAC Jind this amount has not been released up till now to the Ramjuwari ( Respondent no.6) due to this litigation. Now interest on the said compensation is not adding since Nov.2020. Further possession of the acquired land has been taken by the NHI. Now Respondent no.6 is standing on road .This is sole purpose of the petitioners nothing else .

**4. That** the present revision petition filled by the petitioners/revisionists is without any law,evidence and facts. That SAND TAKSHIM already issued i.e. on 21.1.2020 , physical possession has already been delivered vide rapat roznamcha. Naksha -B settled without raising any objections and mutual consent at the time of their preparation further **Division Banch of this Hon,ble Court held in CWP no. 15427 of 2004** that Mode of Parttion –Naksha Jeem approved as per mode of partition –No objections were raised to the naksha jeem –Partition was approved as per said naksha, aks sajra and field book- possession delivered to the parties according to the Sanad Partition and khata of all the co-owners were separated and partition order stood implemented by the revenue authorities and rapat in the revenue record had also been entered,than there is no question arises for interference **.** True copy of order dated 19.12.2006 passed by the Hon,ble Division Bench of this Court for kind perusal is attached herewith as **Annexure R/1.**

In this way, above mentioned this revision petition filled by the petitioners is not maintainable before this Court.

**5. That** for the sake of argument ,otherwise also this court has to see, as to whether the partition proceedings were conducted properly and the proceedings was properly followed or not and in any case, it cannot be argued by the revisionists that partition proceedings became redundant or not feasible to be implemented on account of the acquisition proceedings which took place subsequently after the delivery of the possession and after entry in the Rapat Roze-namcha of the record, which is the last report to be done by the Revenue Authority and moreover also in view of the fact that all objections with regard to acquisition are the subject matter of the **statutorily authority i.e. National Highway** **Act** which never been exhausted by the revisionists ,therefore, all the objections of the revisionists beyond the jurisdiction of this Hon,ble Court. True copies of the possession delivery i.e. last process Rapat Roznamcha are attached herewith as **Annexure R/2.**

**6. That** stand of the revisionists is totally wrong , because Naksha “Kha ” was prepared on 10.2.2019 by the mutual consent of both the parties after taken into consideration their objections . true photo copies in this regard i.e. zimni order dated 29.11.2017 and 31.10.2019 are attached herewith as **Annexure R/3.** More over revisionists has not challenged the Naksha “Kha”.

**7. That** partition is , as per Mode of Partition. It is no where mentioned in the Mode of Partition that Kura of Dharm Singh and Mia Singh (respondent no. 4 and 5 before A.C. Second Grade partition proceedings) would be made separately because as per Sr. No. 5 of the Mode of Partition that Kura of Dharma and others ( revisionists) has to be made collectively.

**8. That** It is also wrong that partition was disturbed , the kill no. in which Parkash etc. installed the tubwell falls in his share i.e. killa no.47/17/2 and not allotted anyone else.

It is ,therefore, respectfully prayed that present revision petition filled by the petitioners divide of any merit and without jurisdiction in the matter of National Highway , should be dismissed with heavy cost ,because everything has been carried out following the proper procedure as per Punjab Land Revenue Act.

ADVOCATE

Counsel for the Respondent no. 6 ( Ramjuwari)

**BEFORE THE Ld. COMMISSIONER, HISAR**

**R.O.R. No. of ( JIND)**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

I N D E X

|  |  |  |  |
| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1  2.  3  4.  5 | Reply  Order of High Court ( R/1)  Order of High Court (D.B.)  Rapat (possession delivery)  Zimni Order (R/4)  Power of Attorney already on record | 4.10.2021  12.5.2017  19.12.2006 | 1-4  5-6  7-8 |

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CHANDIGARH

DATED:-

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT NO. 1 and 3

**BEFORE THE Ld. COMMISSIONER, HISAR**

**R.O.R. No. of ( JIND)**

Caveat Petition No. \_\_\_\_\_\_\_ of 2021

In ROR No.--------------- of 2021

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

**Caveat Petition under Section 148-A of CPC, on behalf of Respondent**

RESPECTFULLY SHOWETH**: -**

1. That the petitioners had filed the application for partition before the Ld. Assistant Collector 2nd grade Pillu-Khera (Safidon) and this application has been decided further Sanad Takasim has been prepared on 21.1.2020 further physical possession has been delivered vide rapat roznamcha .

2. That now the Caveator- Respondents apprehend that the petitioners may challenge the above said order dated 21.1.2020 of sanand taksim passed by Ld. A.C.2nd grade Pillu-khera( Safidon) by way of filing revision petition and may obtain the stay order by assigning and by giving wrong facts and averments and in that eventuality, the Caveators - respondent herein would suffer an irreparable loss and injury which could not be compensated in any manner. because petitioners already have been filled the Revision Petition no. 347 of 2019-20 before the Ld. Financial Commission at Chandigarh and obtained the stay order after concealing the facts and law from the Hon,ble Court. When respondents disclosed these very facts and law than on 30.9.2021 petitioners withdrew this revision petition

3. That through this petition, the Caveators - respondents is seeking the issuance of a prior notice to him in case the above said petitioners would challenge the above said order by filing the **revision petition**  against the above mentioned order.

It is, therefore respectfully prayed that the Caveator- Respondent may kindly be heard before passing any order in favour of the petitioners herein in the interest of Justice and fair play.

**DATED: 10.2021 Ram juwari**

**Village –Jamni, Tehsil -Safidon( Jind)**

**CAVEATOR-** **RESPONDENT**

**Mobile No. 99921-81060**

**98131-85911( Whatsapp)\_**

**BEFORE THE FINANCIAL COMMISSIONER,**

**CIVIL SECRETARIAT.SECTOR-17,CHANDIGARH**

**R.O.R. No.347 of 2019-20**

**Next Date of Hearing 19.8.2021**

Dharma Singh and Others -----------Petitioners

VERSUS

Kamla and Others -------------- Respondents

3rd Application u/s 151 C.P.C. for preponing the date of above mentioned case to some early date and/or vacate the ex-party stay order dated 19.3.2020, now this case is fixed for 19.8.2021 .

RESPECTFULLY SHOWETH:

1. That above said R.O.R. is pending before this Hon,ble Court and fixed for 19.8.2021 . Petitioners have preferred the above said R.O.R. against the order dt. 21.1.2020 passed by the Ld. A.C.2nd Grade ,Jind wherein order of execution of Sanad Taksim has been issued but Petitioners obtained the ex-party stay order against it i.e. on 19.3.2020
2. That now there is grave urgency arose in this case, because in final partition proceeding before the Ld. AC-II Grade Jind, two acre land have been given to the respondents , now these allotted land has been acquired by the National Highway Authority for construction of Delhi-Katra Express highway ,which is admitted by the petitioners in the para no.1 and 7 and compensation of the said acquired land has been deposited before the Distt. Revenue Officer (DRO) Jind in the month of Nov.2020 and total compensation of acquired land has been deposited in the account of land oustees but in the matter of respondent no.3 their compensation amount of Rs. 1 crore 18 lakh could be not deposited in the account of respondent No.3 due to stay order granted by this Hon,ble Court. Now, there is grave urgency in this case for final adjudication because possession of the acquired can be taken very soon i.e after harvesting the white crop in the month of April and further , if the possession of the acquired land would be taken than there is no source of income for bread and butter would remain to the petitioner.
3. That in the above mentioned circumstances the case of the applicant deserves to be heard on an earlier actual date.

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date and/OR to vacate the ex-party stay order dated 19.3.2020 in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: .2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.3

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

C.M. no. OF 2022

In C.W.P. NO 170 of 2022

Ramphal Singh and others

--------- Petitioners

VERSUS

State of Haryana and others ------------ Respondents

Application U/s 151 CPC for preponing the date of above mentioned case to some early actual date and/or vacate the stay order dated 10.1.2022, now this case is fixed for 9.8.2022 .

RESPECTFULLY SHOWETH:

* 1. That above said petition is pending before this Hon,ble Court and now fixed for 9.8.2022.
  2. That petitioners filed the above mentioned case against the order dated 9.12.2021 ( Annexure P-15) passed by the Ld. Commissioner Hisar Division Hisar .Respondent/Caveator no.7 ( Ramjuwari) who is the sole contestant of this case from the initial stage, had filed the Caveat petition in this case . When this case was listed for hearing on 10.1.2022 at Sr. No.115 , than before this item, some technical problem in V.C. had come .Then Hon,ble Court has been started the hearing on Whats App. Ld. Counsel for the petitioners argued this case, after that , the counsel for the caveator/respondent no. 7 was arguing this case than i.e. just after ½ minute some technical problem had come in Whats App than What App call had stopped. Due to this technical problem counsel for the Caveator no.7 could not avail the proper opportunity for hearing ,than Hon,ble Court passed the interim order and directed to the parties **“meanwhile ,transfer of possession shall remain stayed ,if not already transferred** (later on seen) . Than counsel for the Caveator/respondent no.7 sent many massages on What App to give an opportunity again for proper adjudication of this matter or give me short date in next week because **real issue involved in this case is, that compensation amount of Rs. one Crore- 16 lakh of land acquired of the caveator, which is not paid till date since Nov.2020 due to this litigation .Possession has already been taken by the National Highway . But no response was given on What app .**
  3. That in this case, issue of possession of transfer is not there because possession of the acquired land has already been taken by the National Highway Authority vide award dated 22.9.2020. Whereas, sand taksim prepared on 21.1.2020 (Annexure P-4) on the basis of mutual consent of all the co-sharers on amended Naksha “B” which was prepared on 10.2.2019 and approved by the Assistant Collector on 31.10.2019 and Naksha Jeem was prepared on 19.12.2019 and intact possession ( without disturbing the possession ) has been entered in Rapat- Rojnamcha on 28.1.2020 which is last mode of partition proceedings. Real issue is involved in this case that compensation amount of Rs. One Crore 16 lakhs of land acquired (Two acre) of the Caveator/respondent no.7 (Ramjuwari) which is not disburse to the him since Nov. -2020 which is not disclosed but admitted by the petitioners vide Annexure P-10 and further total possession of the all co-sharers had been kept intact, which is clear reflected in the revenue record. Possession has not been disturbed in the sanasd-teksim ( Annexure P-4 ) which is prepared on the basis of amended Naksha –B dated 10.2.2019 . Petitioners concealed this very facts that possession has been disturbed of the Parkash (petitioner no 7). Petitioners are taking the wrong plea that after issuing the Notification dated 9.2.2020 ( Annexure P-5) by the National Highway Authority, Sanad –teksim dt. 21.1.2020 cannot be implemented. In this regard, it is submitted that Notification dated 9.2.2020 (Annexure P-5) first issued only intention to acquire such land and further submitted that two acre land has been acquired by the NHA in the name of the Caveator/respondent no.7 and only two kanal land acquired of all the petitioners and possession of the said acquired land has been taken by the NHA vide award dated 22.9.2020 but petitioners are creating this confusion. Ld. Assistant Collector only mentioned that sanad teksim dated 21.1.2020 ( Annexure P-4) would effective after harvesting the khariff crops i.e after harvesting the wheat crop in the month of April. meaning thereby that harvesting of khariff crop is not to disturb the possession, till the harvesting wheat crops ,which would prepare (wheat) in the month of April .In this regard further submitted that question of disturb of possession did not arose till harvesting the wheat crop nor till date, because possession has already been taken by the National Highway Authority after deposited the amount of compensation vide award dated 22.9.2020 before the Revenue Authority ( DRO) Jind and now after the acquisition of the land i.e 2 acre of the caveator/respondent no.7 his land is left only 4 kanal, whereas, total land of the petitioners acquired only 2 kanal (near about) and 4 kanal land (near about) has been acquired of the Ram Dutt ( Respondent no.8 ) who is the real brother of the Caveator and is not having any objection on sanad-taksim and he was ex-party before the Ld. Commissioner as well as before the Ld. Financial Commissioner. Further mother of the caveator/respondent no.7 Smt. Kamala (respondent no.6) is the un-necessary party because she has already been transferred her entire share to her both sons and no amount of compensation deposit to her name . Now petitioners are taking wrong plea that sanad-teksim dated 21.1.2020 cannot be implemented after issuing the Notification dated 9.2.2020 by the National Highway Authority. Whereas, intake possession has been delivered on 28.1.2020 after entering in Rapat Roznamcha . Mutation has been sanctioned in the month of March-2020 . Only purpose of the petitioners to harass and humiliate the caveator/respondent no.7 and caused the heavy financial loss to him because in the deposited amount of compensation amount of Rs. 1 crore 16 lakhs, interest is not adding since Nov. 2020 due to this private litigation which caused financial loss up to Rs. 6 laks due to not adding the bank interest i.e. 5% p.a. on compensation amount of Rs. 1 crore 16 lakh ( to the Caveator.)
  4. **That** there was huge delay i.e. one year 10 months for filling the petition before the Ld. Commissioner, Hisar Division, because petitioners already filled revision petition on 16.3.2020 (Annexure P-7) in cleaver manner against the final order dated 21.1.2020 of sanad -taksim passed by the Ld. AC 2nd Grade Pillu-khera (Safidon) before the Ld. Financial Commissioner At Chandigarh . Further they had concealed the martial facts and obtained the wrong stay order dated 19.3.2020 (Annexure P-8) without jurisdiction . Later on, said petition dismissed as withdrawn on 30.9.2021 ( Annexure P- 13) after filing the three early hearing applications by the Caveator .Than ld. Financial Commissioner ,directed the petitioners , to approach the competent authority. Then petitioners approached this Hon,ble High Court instead of approaching the Ld. Commissioner Hisar Division , because Hon,ble High Court is also not having the jurisdiction .Than they again withdraw the said petition on 12.10.2021 (Annexure P-14) . It is clear intention of the petitioners , to lingering on this matter one pretext to others and caused the heavy loss to the caveator/respondent no.7 . It is settled law that time spent in wrong court cannot be made a ground for condonation of delay.
  5. **That**  National Highway Authority issued the Notification on 19.2.2020( Annexure P-5) only intention to acquire the such land and objections have been invited who is aggrieved person and prior this, partition proceedings has been completed in Jan.2020 without disturbing the possession of all co-sharers and now final partition has been entered in the Rapat -Rojnamcha on 28.1.2020 and mutation has been sanctioned in the month of March-2020.
  6. That if the petitioners are aggrieved after land acquisition regarding access/rasta ( but there is no such problem arose ) than they can approach the National highway Authority who is having statutory jurisdiction and prior to acquisition, National Highway Authority gave vast publicity through advertisement in two news papers and the objections were invited but the petitioners could not file the objections under the said Act neither any application has been moved till date by the petitioners u/s 3-C , 28 and 29 before the National Highway Authority of India regarding access/rasta for ingress and egress to Highway who is the sole independent statutory authority in the matter of deciding the access /rasta dispute for ingress and egress , any other statutory or quashi judicial statutory authority had no jurisdiction to entertain such type of dispute.

**Section 3-C of the said Act is reproduced for kind** consideration.

Hearing of objections.—(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2.) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Further if the petitioners/revisionists are aggrieved they can approach to the National Highway Authority for their alleged redressal of grievances under the **“Control of Access to National Highways “** Section 28 and 29 of this act are reproduced below for kind consideration of this Hon,ble Court:-

**Section 28 in the Control of National Highways (Land and Traffic) Act, 2002**

28. Right of access.—

[(1)](https://indiankanoon.org/doc/930179/) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

[(2)](https://indiankanoon.org/doc/559679/) The access to a Highway under sub-section (1) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

[(3)](https://indiankanoon.org/doc/1802233/) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

**Section 29 in the Control of National Highways (Land and Traffic) Act, 2002**

29. Procedure for permission to access to Highway.—

[(1)](https://indiankanoon.org/doc/580294/) The general permission under sub-section (1) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

[(2)](https://indiankanoon.org/doc/9980/) Any person desirous of obtaining specific permission referred to in sub-section (1) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

[(3)](https://indiankanoon.org/doc/1923507/) In case, where the permission has been given in respect of the application made under sub-section (2), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

[(4)](https://indiankanoon.org/doc/381501/) If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be, shall be deemed to be unauthorized access and the Highway Administration or the officer authorized by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

**7. That** petitioners are raising this objection unnecessary without any legal force, sole purpose of the petitioners is lingering on this matter because two acre land of the Ramjuwari (who is sole contestant/ respondent no. 7 ) has been acquired after completion of partition proceeding by the National Highway Authority and land compensation i.e. amount of **Rs. 1 crore 16 lakhs** of the said acquired land had been deposited in the month of Nov.2020 before the LAC Jind this amount has not been released up till now to the Ramjuwari ( Respondent no.7) due to this litigation. Now interest on the said compensation is not adding since Nov.2020. Further possession of the acquired land has been taken by the NHA.

**8. That** the present petition filled by the petitioners is without any law, evidence and facts. That SAND TAKSHIM already issued i.e. on 21.1.2020 , physical possession has already been delivered on 28.1.2020 vide rapat roznamcha. Amended Naksha -B was prepared on 10.2.2019 and approved on 31.10.2019 on the basis of mutual consent , further **Division Banch of this Hon,ble Court held in CWP no. 15427 of 2004** that Mode of Parttion –Naksha Jeem approved as per mode of partition – Partition was approved as per said naksha, aks sajra and field book- possession delivered to the parties according to the Sanad Partition and khata of all the co-owners were separated and partition order stood implemented by the revenue authorities and rapat in the revenue record had also been entered,than there is no question arises for interference **.** In this way, this petition filled by the petitioners is not maintainable before this Court.

**9. That** for the sake of argument ,otherwise also this court has to see, as to whether the partition proceedings were conducted properly and the proceedings was properly followed or not and in any case, it cannot be argued by the petitioners that partition proceedings became redundant or not feasible to be implemented on account of the acquisition proceedings which took place subsequently after the delivery of the possession and after entry in the Rapat Rozenamcha of the record, which is the last report to be done by the Revenue Authority and moreover, also in view of the fact that all objections with regard to acquisition are the subject matter of the **statutorily authority i.e. National Highway** **Act** which never been exhausted by the petitioners ,therefore, all the objections of the petitioners beyond the jurisdiction of this Hon,ble Court**.**

**10. That** stand of the petitioners is totally wrong , because amended Naksha “Kha/B ” was prepared on 10.2.2019 and approved on 31.10.2019 by the mutual consent of both the parties after taken into consideration their objections . True photo copies in this regard i.e. some relevant zimni orders dated 29.11.2017 and 31.10.2019 are attached herewith as **Annexure R-7/1.** More over petitioners has not challenged the amended Naksha “Kha”.

**11. That** partition is , as per Mode of Partition. It is no where mentioned in the Mode of Partition that Kura of Dharm Singh and Mia Singh (respondent no. 4 and 5 before A.C. Second Grade partition proceedings) would be made separately because as per Sr. No. 5 of the Mode of Partition that Kura of Dharma and others ( petitioners) has to be made collectively.

**12. That** it is also wrong that partition was disturbed , the kill number in which Parkash etc. installed the tubwell falls in his share i.e. killa no.47/17/2 and not allotted anyone else but he is having both killa no. 24/2 and 17/2 in Murba no.47. Which is clear evident at page no 34 ( Annexure P-4 sanad -teksim ) and wrong address of the petitioner no.8 (themselves ) has been given in the partition application before the Ld. A.C. 2nd grade .

**13. That** in the above mentioned circumstances, the case of the applicant deserves to be heard on an earlier actual date or vacate the stay order dated 10.1.2022 .

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date or vacate the stay order dated 10.1.2022 or be dismissed this petition throughout with heavy cost in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 25 .1.2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.7

Ramphal and others **Versus** Kamla and others

Missal- batwara

**Zimini order dated 29.11.2017**

Present both the parties :-

Today missal is presented .Both parties have been heard regarding objections on Naksha-B. After heard, both the parties had agreed by mutual consent that naksha –B be prepared again and which objections had raised , these are considerable . Thus, field-kanungo has been directed to prepare the Naksha-B again and be amended after considering the all objections and after mutual consent of both the parties. Amended naksha-B be presented in court on **27.12.2017.**

**Order dated 31.10.2019**

Present both parties:-

Today, missal received. Amended Naksha-B which was received from Field kanungo ,no objection has been raised from both the parties , opportunities have been given again and again ,than it appears that there is no objection on amended naksha-B, by both the parties, who are present. Therefore, amended naksha –B has been approved . Field Kanungo has been directed to present **NAKSHA-JEEM** in court, according to amended Naksha –B. Therefore, missal regarding NAKSHA-JEEM be presented **on 3.12.2019.**

**Order dated 19.12.2019**

Parties are present:-

Today, missal has been received . NAKSHA-JEEM has been received tagged with missal . Counsel/applicant is directed, that he will prepare sanad- taksim on N.J. Stamp Paper of Rs. 10/- and be present on 26.12.2019 with its.

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

  C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUD

State of Haryana and Others ---------------- Respondents

Affidavit of Ramjuwari son of Sat Narain resident of Village Jamni Tehsil Safidon District-Jind.

I, the above named deponent do hereby solemnly affirm and declare as under:-  
 1. That the deponent has gone through the contents of the accompanying application for preponing the case which have been drafted by the counsel on my instructions.

2. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

Place:

Dated:

Verification :

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

Place:

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUS

State of Haryana and Others ---------------- Respondents

Application u/s 151 CPC seeking exemption from filing certified copies of Annexure R-7/1 and for placing on record true translated extract copy thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/respondent no.7 is filing this application and is sanguine of acceptance of the same on the grounds mentioned therein.

2- That the applicant/respondent no.7 has not readily available the certified copies of Annexure R-7/1, which is relevant and necessary for the proper adjudication of the case. However, true typed copy of the same is attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/respondent no.7 may kindly be exempted from filing certified copy of Annexure R-7/1 and allow him to place on record true extract translated typed copy thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:25.1.2022 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE Applicant/respondent no.7 ( Ram Juwari)

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUS

State of Haryana and Others ---------------- Respondents

Affidavit of RamJuwari son of Sat Narain resident of Village Jamni Sub Tehsil, Pillu Khera District-Jind.

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1- That the deponent is not readily available with the certified copies of Annexure R-7/1 , and wants to place on record the same ,which is necessary for proper adjudication of the case.

CHANDIGARH

DATED: .2.2022

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH

DATED: .2.2022

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

  C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUS

State of Haryana and Others ---------------- Respondents

INDEX

**Particulars Date Page C.Fee**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1 | Application for placing on record | 25.1.2022 | 1 | 3.00 |
| 2 | Affidavit | .1.2022 | 2 |  |
| 3 | Application for early hearing | 25.1.2022 | 3-12 | 3.00 |
| 4 | Affidavit | .1.2022 | 13 |  |
| 5 | Annexure R-7/1 (Zimni Orders) | -------- | 14 |  |
| 6 | Annexure R-7/1 (Vernacular) | ---------- | 15-16 | 2.00 |
|  | Power of Attorney already on record. | ---------- |  |  |

CHANDIGARH

DATED:- 25.1.2022 SURESH AHLAWAT

ADVOCATE Counsel for the applicant /respondent no.7 ( Ramjuwari)

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

  C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUS

State of Haryana and Others ---------------- Respondents

COURT FEE

CHANDIGARH

DATED:- 25.1.2022 SURESH AHLAWAT

ADVOCATE Counsel for the applicant /respondent no.7 ( Ramjuwari)

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

C.M. no. OF 2022

In C.W.P. NO 170 of 2022

Ramphal Singh and others

--------- Petitioners

VERSUS

State of Haryana and others ------------ Respondents

Application U/s 151 CPC to vacate the stay order dated 10.1.2022 passed by this Hon,ble Court.

RESPECTFULLY SHOWETH:

1. That above said petition is pending before this Hon,ble Court and now fixed for 9.8.2022.
2. That petitioners filed the above mentioned case against the order dated 9.12.2021 ( Annexure P-15) passed by the Ld. Commissioner Hisar Division Hisar .Respondent/Caveator no.7 ( Ramjuwari) who is the sole contestant of this case from the initial stage, had filed the Caveat petition in this case . When this case was listed for hearing on 10.1.2022 at Sr. No.115 , than before this item, some technical problem in V.C. had come .Then Hon,ble Court has been started the hearing on Whats App. Ld. Counsel for the petitioners argued this case, after that , the counsel for the caveator/respondent no. 7 was arguing this case than i.e. just after ½ minute some technical problem had come in Whats App than What App call had stopped. Due to this technical problem counsel for the Caveator no.7 could not avail the proper opportunity for hearing ,than Hon,ble Court passed the interim order and directed to the parties **“meanwhile ,transfer of possession shall remain stayed ,if not already transferred** (later on seen) . Than counsel for the Caveator/respondent no.7 sent many massages on What App to give an opportunity again for proper adjudication of this matter or give me short date in next week because **real issue involved in this case is, that compensation amount of Rs. one Crore- 16 lakh of land acquired of the caveator, which is not paid till date since Nov.2020 due to this litigation .Possession has already been taken by the National Highway . But no response was given on What app .**
3. That in this case, issue of possession of transfer is not there because possession of the acquired land has already been taken by the National Highway Authority vide award dated 22.9.2020. Whereas, sand taksim prepared on 21.1.2020 (Annexure P-4) on the basis of mutual consent of all the co-sharers on amended Naksha “B” which was prepared on 10.2.2019 and approved by the Assistant Collector on 31.10.2019 and Naksha Jeem was prepared on 19.12.2019 and intact possession ( without disturbing the possession ) has been entered in Rapat- Rojnamcha on 28.1.2020 which is last mode of partition proceedings. Real issue is involved in this case that compensation amount of Rs. One Crore 16 lakhs of land acquired (Two acre) of the Caveator/respondent no.7 (Ramjuwari) which is not disburse to the him since Nov. -2020 which is not disclosed but admitted by the petitioners vide Annexure P-10 and further total possession of the all co-sharers had been kept intact, which is clear reflected in the revenue record. Possession has not been disturbed in the sanasd-teksim ( Annexure P-4 ) which is prepared on the basis of amended Naksha –B dated 10.2.2019 . Petitioners concealed this very facts that possession has been disturbed of the Parkash (petitioner no 7). Petitioners are taking the wrong plea that after issuing the Notification dated 9.2.2020 ( Annexure P-5) by the National Highway Authority, Sanad –teksim dt. 21.1.2020 cannot be implemented u/s 115 of land Revenue Act, whereas S.115 of the land Revenue Act not applicable in this case. In this regard, it is submitted that Notification dated 9.2.2020 (Annexure P-5) first issued only intention to acquire such land and further submitted that two acre land has been acquired by the NHA in the name of the Caveator/respondent no.7 and only two kanal land acquired of all the petitioners and possession of the said acquired land has been taken by the NHA vide award dated 22.9.2020 but petitioners are creating this confusion. Ld. Assistant Collector only mentioned that sanad teksim dated 21.1.2020 ( Annexure P-4) would effective after harvesting the khariff crops i.e after harvesting the wheat crop in the month of April. meaning thereby that harvesting of khariff crop is not to disturb the possession, till the harvesting wheat crops ,which would prepare (wheat) in the month of April .In this regard further submitted that question of disturb of possession did not arose till harvesting the wheat crop nor till date, because possession has already been taken by the National Highway Authority after deposited the amount of compensation vide award dated 22.9.2020 before the Revenue Authority ( DRO) Jind and now after the acquisition of the land i.e 2 acre of the caveator/respondent no.7 his land is left only 4 kanal, whereas, total land of the petitioners acquired only 2 kanal (near about) and 4 kanal land (near about) has been acquired of the Ram Dutt ( Respondent no.8 ) who is the real brother of the Caveator and is not having any objection on sanad-taksim and he was ex-party before the Ld. Commissioner as well as before the Ld. Financial Commissioner. Further mother of the caveator/respondent no.7 Smt. Kamala (respondent no.6) is the un-necessary party because she has already been transferred her entire share to her both sons and no amount of compensation deposit to her name . Now petitioners are taking wrong plea that sanad-teksim dated 21.1.2020 cannot be implemented after issuing the Notification dated 9.2.2020 by the National Highway Authority. Whereas, intake possession has been delivered on 28.1.2020 after entering in Rapat Roznamcha . Mutation has been sanctioned in the month of March-2020 . Only purpose of the petitioners to harass and humiliate the caveator/respondent no.7 and caused the heavy financial loss to him because in the deposited amount of compensation amount of Rs. 1 crore 16 lakhs, interest is not adding since Nov. 2020 due to this private litigation which caused financial loss up to Rs. 6 laks due to not adding the bank interest i.e. 5% p.a. on compensation amount of Rs. 1 crore 16 lakh ( to the Caveator.)
4. **That** there was huge delay i.e. one year 10 months for filling the petition before the Ld. Commissioner, Hisar Division, because petitioners already filled revision petition on 16.3.2020 (Annexure P-7) in cleaver manner against the final order dated 21.1.2020 of sanad -taksim passed by the Ld. AC 2nd Grade Pillu-khera (Safidon) before the Ld. Financial Commissioner At Chandigarh . Further they had concealed the martial facts and obtained the wrong stay order dated 19.3.2020 (Annexure P-8) without jurisdiction . Later on, said petition dismissed as withdrawn on 30.9.2021 ( Annexure P- 13) after filing the three early hearing applications by the Caveator .Than ld. Financial Commissioner ,directed the petitioners , to approach the competent authority. Then petitioners approached this Hon,ble High Court instead of approaching the Ld. Commissioner Hisar Division , because Hon,ble High Court is also not having the jurisdiction .Than they again withdraw the said petition on 12.10.2021 (Annexure P-14) . It is clear intention of the petitioners , to lingering on this matter one pretext to others and caused the heavy loss to the caveator/respondent no.7 . It is settled law that time spent in wrong court cannot be made a ground for condonation of delay.
5. **That**  National Highway Authority issued the Notification on 19.2.2020( Annexure P-5) only intention to acquire the such land and objections have been invited who is aggrieved person and prior this, partition proceedings has been completed in Jan.2020 without disturbing the possession of all co-sharers and now final partition has been entered in the Rapat -Rojnamcha on 28.1.2020 and mutation has been sanctioned in the month of March-2020.
6. That if the petitioners are aggrieved after land acquisition regarding access/rasta ( but there is no such problem arose ) than they can approach the National highway Authority who is having statutory jurisdiction and prior to acquisition, National Highway Authority gave vast publicity through advertisement in two news papers and the objections were invited but the petitioners could not file the objections under the said Act neither any application has been moved till date by the petitioners u/s 3-C , 28 and 29 before the National Highway Authority of India regarding access/rasta for ingress and egress to Highway who is the sole independent statutory authority in the matter of deciding the access /rasta dispute for ingress and egress , any other statutory or quashi judicial statutory authority had no jurisdiction to entertain such type of dispute.

**Section 3-C of the said Act is reproduced for kind** consideration.

Hearing of objections.—(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2.) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Further if the petitioners/revisionists are aggrieved they can approach to the National Highway Authority for their alleged redressal of grievances under the **“Control of Access to National Highways “** Section 28 and 29 of this act are reproduced below for kind consideration of this Hon,ble Court:-

**Section 28 in the Control of National Highways (Land and Traffic) Act, 2002**

28. Right of access.—

[(1)](https://indiankanoon.org/doc/930179/) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

[(2)](https://indiankanoon.org/doc/559679/) The access to a Highway under sub-section (1) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

[(3)](https://indiankanoon.org/doc/1802233/) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

**Section 29 in the Control of National Highways (Land and Traffic) Act, 2002**

29. Procedure for permission to access to Highway.—

[(1)](https://indiankanoon.org/doc/580294/) The general permission under sub-section (1) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

[(2)](https://indiankanoon.org/doc/9980/) Any person desirous of obtaining specific permission referred to in sub-section (1) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

[(3)](https://indiankanoon.org/doc/1923507/) In case, where the permission has been given in respect of the application made under sub-section (2), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

[(4)](https://indiankanoon.org/doc/381501/) If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be, shall be deemed to be unauthorized access and the Highway Administration or the officer authorized by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

**7. That** petitioners are raising this objection unnecessary without any legal force, sole purpose of the petitioners is lingering on this matter because two acre land of the Ramjuwari (who is sole contestant/ respondent no. 7 ) has been acquired after completion of partition proceeding by the National Highway Authority and land compensation i.e. amount of **Rs. 1 crore 16 lakhs** of the said acquired land had been deposited in the month of Nov.2020 before the LAC Jind this amount has not been released up till now to the Ramjuwari ( Respondent no.7) due to this litigation. Now interest on the said compensation is not adding since Nov.2020. Further possession of the acquired land has been taken by the NHA.

**8. That** the present petition filled by the petitioners is without any law, evidence and facts. That SAND TAKSHIM already issued i.e. on 21.1.2020 , physical possession has already been delivered on 28.1.2020 vide rapat roznamcha. Amended Naksha -B was prepared on 10.2.2019 and approved on 31.10.2019 on the basis of mutual consent , further **Division Banch of this Hon,ble Court held in CWP no. 15427 of 2004** that Mode of Partition –Naksha Jeem approved as per mode of partition – Partition was approved as per said naksha, aks sajra and field book- possession delivered to the parties according to the Sanad Partition and khata of all the co-owners were separated and partition order stood implemented by the revenue authorities and rapat in the revenue record had also been entered,than there is no question arises for interference **.** In this way, this petition filled by the petitioners is not maintainable before this Court.

**9. That** for the sake of argument ,otherwise also this court has to see, as to whether the partition proceedings were conducted properly and the proceedings was properly followed or not and in any case, it cannot be argued by the petitioners that partition proceedings became redundant or not feasible to be implemented on account of the acquisition proceedings which took place subsequently after the delivery of the possession and after entry in the Rapat Rozenamcha of the record, which is the last report to be done by the Revenue Authority and moreover, also in view of the fact that all objections with regard to acquisition are the subject matter of the **statutorily authority i.e. National Highway** **Act** which never been exhausted by the petitioners ,therefore, all the objections of the petitioners beyond the jurisdiction of this Hon,ble Court**.**

**10. That** stand of the petitioners is totally wrong , because amended Naksha “Kha/B ” was prepared on 10.2.2019 and approved on 31.10.2019 by the mutual consent of both the parties after taken into consideration their objections . True photo copies in this regard i.e. some relevant zimni orders dated 29.11.2017 and 31.10.2019 are attached herewith as **Annexure R-7/1.** More over petitioners has not challenged the amended Naksha “Kha”.

**11. That** partition is , as per Mode of Partition. It is no where mentioned in the Mode of Partition that Kura of Dharm Singh and Mia Singh (respondent no. 4 and 5 before A.C. Second Grade partition proceedings) would be made separately because as per Sr. No. 5 of the Mode of Partition that Kura of Dharma and others ( petitioners) has to be made collectively.

**12. That** it is also wrong that partition was disturbed , the kill number in which Parkash etc. installed the tubwell falls in his share i.e. killa no.47/17/2 and not allotted anyone else but he is having both killa no. 24/2 and 17/2 in Murba no.47. Which is clear evident at page no 34 ( Annexure P-4 sanad -teksim ) and wrong address of the petitioner no.8 (themselves ) has been given in the partition application before the Ld. A.C. 2nd grade .

**13. That** in the above mentioned circumstances, order dated 10.1.2022 may kindly be vacated.

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the stay granted by this Hon,ble Court vide order dated 10.1.2022 may kindly be vacated or writ petition may kindly be dismissed throughout with heavy cost in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 25 .1.2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.7

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

C.M. no. OF 2022

In C.W.P. NO 170 of 2022

Ramphal Singh and others

--------- Petitioners

VERSUS

State of Haryana and others ------------ Respondents

Application U/s 151 CPC for preponing the date of above mentioned case to some early actual date , now this case is fixed for 9.8.2022 .

RESPECTFULLY SHOWETH:

1. That above said petition is pending before this Hon,ble Court and now fixed for 9.8.2022.
2. That petitioners filed the above mentioned case against the order dated 9.12.2021 ( Annexure P-15) passed by the Ld. Commissioner Hisar Division Hisar .Respondent/Caveator no.7 ( Ramjuwari) who is the sole contestant of this case from the initial stage, had filed the Caveat petition in this case . When this case was listed for hearing on 10.1.2022 at Sr. No.115 , than before this item, some technical problem in V.C. had come .Then Hon,ble Court has been started the hearing on Whats App. Ld. Counsel for the petitioners argued this case, after that , the counsel for the caveator/respondent no. 7 was arguing this case than i.e. just after ½ minute some technical problem had come in Whats App than What App call had stopped. Due to this technical problem counsel for the Caveator no.7 could not avail the proper opportunity for hearing ,than Hon,ble Court passed the interim order and directed to the parties **“meanwhile ,transfer of possession shall remain stayed ,if not already transferred** (later on seen) . Than counsel for the Caveator/respondent no.7 sent many massages on What App to give an opportunity again for proper adjudication of this matter or give me short date in next week because **real issue involved in this case is, that compensation amount of Rs. one Crore- 16 lakh of land acquired of the caveator, which is not paid till date since Nov.2020 due to this litigation .Possession has already been taken by the National Highway . But no response was given on What app .**
3. That in this case, issue of possession of transfer is not there because possession of the acquired land has already been taken by the National Highway Authority vide award dated 22.9.2020. Whereas, sand taksim prepared on 21.1.2020 (Annexure P-4) on the basis of mutual consent of all the co-sharers on amended Naksha “B” which was prepared on 10.2.2019 and approved by the Assistant Collector on 31.10.2019 and Naksha Jeem was prepared on 19.12.2019 and intact possession ( without disturbing the possession ) has been entered in Rapat- Rojnamcha on 28.1.2020 which is last mode of partition proceedings. Real issue and grave urgency is involved in this case that compensation amount of Rs. One Crore 16 lakhs of land acquired (Two acre) of the Caveator/respondent no.7 (Ramjuwari) which is not disburse to the him since Nov. -2020 which is not disclosed but admitted by the petitioners vide Annexure P-10 and further total possession of the all co-sharers had been kept intact, which is clear reflected in the revenue record. Possession has not been disturbed in the sanasd-teksim ( Annexure P-4 ) which is prepared on the basis of amended Naksha –B dated 10.2.2019 . Petitioners concealed this very facts that possession has been disturbed of the Parkash (petitioner no 7). Petitioners are taking the wrong plea that after issuing the Notification dated 9.2.2020 ( Annexure P-5) by the National Highway Authority, Sanad –teksim dt. 21.1.2020 cannot be implemented U/s 115 of the Land Revenue Act . In this regard, it is submitted that Notification dated 9.2.2020 (Annexure P-5) first issued only intention to acquire such land and further submitted that two acre land has been acquired by the NHA in the name of the Caveator/respondent no.7 and only two kanal land acquired of all the petitioners and possession of the said acquired land has been taken by the NHA vide award dated 22.9.2020 but petitioners are creating this confusion. Ld. Assistant Collector only mentioned that sanad teksim dated 21.1.2020 ( Annexure P-4) would effective after harvesting the khariff crops i.e after harvesting the wheat crop in the month of April. meaning thereby that harvesting of khariff crop is not to disturb the possession, till the harvesting wheat crops ,which would prepare (wheat) in the month of April .In this regard further submitted that question of disturb of possession did not arose till harvesting the wheat crop nor till date, because possession has already been taken by the National Highway Authority after deposited the amount of compensation vide award dated 22.9.2020 before the Revenue Authority ( DRO) Jind and now after the acquisition of the land i.e 2 acre of the caveator/respondent no.7 his land is left only 4 kanal, whereas, total land of the petitioners acquired only 2 kanal (near about) and 4 kanal land (near about) has been acquired of the Ram Dutt ( Respondent no.8 ) who is the real brother of the Caveator and is not having any objection on sanad-taksim and he was ex-party before the Ld. Commissioner as well as before the Ld. Financial Commissioner. Further mother of the caveator/respondent no.7 Smt. Kamala (respondent no.6) is the un-necessary party because she has already been transferred her entire share to her both sons and no amount of compensation deposit to her name . Now petitioners are taking wrong plea that sanad-teksim dated 21.1.2020 cannot be implemented after issuing the Notification dated 9.2.2020 by the National Highway Authority. Whereas, intake possession has been delivered on 28.1.2020 after entering in Rapat Roznamcha . Mutation has been sanctioned in the month of March-2020 . Passage/rasta is not dispute . Only purpose of the petitioners to harass and humiliate the caveator/respondent no.7 and caused the heavy financial loss to him because in the deposited amount of compensation amount of Rs. 1 crore 16 lakhs, interest is not adding since Nov. 2020 due to this private litigation which caused financial loss up to Rs. 6 laks due to not adding the bank interest i.e. 5% p.a. on compensation amount of Rs. 1 crore 16 lakh ( to the Caveator.)

**4. That** in the above mentioned circumstances, the case of the applicant deserves to be heard on an earlier date .

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED: 25 .1.2021 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR APPLICANT/RESPODENT No.7

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

  C.M. No. of 2022

In C.W.P. 170 of 2022

Ram Phal Singh and Others -------------Petitioners

VERSUS

State of Haryana and Others ---------------- Respondents

INDEX

**Particulars Date Page C.Fee**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1 | Application for early hearing | 25.1.2022 | 1-5 | 3.00 |
| 2 | Affidavit | 9.2.2022 | 6 |  |
| 3 | Application for placing on record | 25.1.2022 | 7 | 3.00 |
| 4 | Affidavit | 9.2.2022 | 8 |  |
| 5 | Application for stay vacation | 25.1.2022 | 9-18 | 3.00 |
| 6 | Affidavit | 14.2.2022 | 19 |  |
| 7 | Annexure R-7/1 (Zimni Orders) | -------- | 20 |  |
| 8 | Annexure R-7/1 (Vernacular) | ---------- | 21-22 | 2.00 |
|  | Power of Attorney already on record. | ---------- |  |  |

Total C.Fee 11+3 Rs.14/-

CHANDIGARH

DATED:- 25.1.2022 SURESH AHLAWAT

ADVOCATE Counsel for the applicant /respondent no.7 ( Ramjuwari)

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA,

AT CHANDIGARH

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VERSUD

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Affidavit of Ramjuwari son of Sat Narain resident of Village Jamni Tehsil Safidon District-Jind.

I, the above named deponent do hereby solemnly affirm and declare as under

1. That the deponent has gone through the contents of the application to vacate the stay order dated 10.1.2022 which have been drafted by the counsel on my instructions.

2. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

Place:

Dated:

Verification :

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

Place: