

***** Vs. Iskcon New Vrindavan East, BombayPetitioner

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Court : Punjab and Haryana

Decided On : Sep-26-2013

Appellant : *****

Respondent : iskcon New Vrindavan East, BombayPetitioner

Judgement :

CWP No.158 of 1988 (O & M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH ***** CWP No.158 of 1988 (O & M) Date of decision : 26.9.2013 ISKCo.New Vrindavan East, BombayPetitioner versus The State of Haryana and othersRespondents CORAM: Hon'ble Mr.Justice Jasbir Singh Hon'ble Mr.Justice G.S.Sandhawalia Present:- Mr.Alok Jain, Advocate, for the petitioner Mr.Lekh Raj Nandal, AAG, Haryana Mr.Ashish Aggarwal, Senior Advocate with Mr.Kulwant Singh, Advocate, for respondent No.3 None for remaining respondents --- Jasbir Singh, J.

(Oral) CM No.5310 of 2011 : Application is allowed as prayed for.

Documents and photographs, annexed with the application, are taken on record.

CWP No.158 of 1988 : The petitioner society has filed this writ petition with a prayer to quash an order dated 10.10.1987 (P-2).vide which sale of land, executed on 4.12.1986 in his favour, was cancelled.

It is not in dispute that land measuring 24 Bighas 11 Biswas of the Gram Panchayat, was ordered to be sold to the petitioner on 4.12.1986 (P-1).The above

order was passed on the basis of a resolution of the Gram Panchayat passed on 22.11.1986.

On request made by the petitioner, the Gram Panchayat agreed to sell the land in dispute, to set up a school.

Kumar Ashwani When approving sale of the land, the Government put up only 2013.10.08 10:40 I attest to the accuracy and integrity of this document CWP No.158 of 1988 (O & M) -2- one condition that the petitioner cannot sell/gift the land further to any other society or person.

After approval given, entire sale consideration was paid and sale deed was executed in favour of the petitioner on 19.12.1986.

It is case of the petitioner that thereafter, possession of the land was taken over by it.

Without any notice to the petitioner, sale of the land was cancelled vide the impugned order dated 10.10.1987.

Before passing that order, no opportunity of hearing was provided.

The alleged complaint received against sale of the land, was not put to the petitioner to get its response.

To support the above order, nothing could be shown by the respondents.

At the time of arguments it is only said that during pendency of the litigation, land has been used by the Gram Panchayat for construction of Dharamshala and Mandir etc. This plea cannot be taken by the respondents because when in the writ petition notice was issued, dispossession was stayed.

The order was confirmed after hearing the respondents.

In view of above, the writ petition is allowed.

Order under challenge dated 10.10.1987, being contrary to the principle of natural justice, is set aside.

However, liberty shall remain with the State to pass fresh order, as per law.

At the time of passing order, if need be, the Gram Panchayat be also heard.

(Jasbir Singh) Judge (G.S.Sandhawalia) Judge 26.9.2013 Ashwani Kumar

Ashwani 2013.10.08 10:40 I attest to the accuracy and integrity of this document

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