

2025:PHHC:062013-DB



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

**RA-CW-138-2025 &
RA-CW-187-2025 in CWP-28003-2023
Date of Decision : 12.05.2025**

GAJRAJ SINGH AND ANRPetitioners

Versus

STATE OF HARYANA AND ORSRespondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Chetan Mittal, Senior Advocate
Mr. Amit Jhanji, Advocate assisted by
Ms. Eliza Gupta, Advocate
Mr. Yuvraj Singh Chauhan, Advocate
Ms. Sehaj Sandhawal, Advocate
Mr. Himanshu Gupta, Advocate
for the review applicant (in **RA-CW-138-2025**).

Mr. Lalit Rishi, Advocate
Mr. Rohit Singh, Advocate
for the review applicants (in **RA-CW-187-2025**).

Mr. Ankur Mittal, Addl. A.G., Haryana
Ms. Savneel Jaswal, Addl. A.G., Haryana
Mr. P.P.Chahar, Sr. DAG, Haryana
Mr. Saurabh Mago, DAG, Haryana

Mr. Ankur Mittal, Advocate
Ms. Kushaldeep Kaur, Advocate
Ms. Sharvi Dadhwal, Advocate
Ms. Ashna Singh, Advocate
for respondents No. 2 to 5.

SURESHWAR THAKUR, J.

1. The land of the land losers i.e. Gajraj Singh and Rohtash
(writ petitioners in CWP-28003-2023) was acquired through the
passing of an award bearing No. 569 dated 21.07.2003.

2025:PHHC:062013-DB



2. Pursuant to a policy becoming floated by the State of Haryana for allotment of plots being made to the land losers concerned, therebys the supra land losers applied for the allotment of the apposite plots. Though initially the said allotments were made in favour of the land losers, but subsequently the said allotment, as made to them became quashed through orders respectively becoming rendered on 28.09.2022 and on 12.09.2023 (both orders whereof, become respectively annexed as Annexures P-28 and Annexure P-31 in the main writ petition).

3. Both Gajraj and Rohtash became aggrieved from the rendition of the afore Annexures, wherebys, they instituted the instant writ petition before this Court.

4. On the supra writ petition, this Court made a dismissal order. However, one Amita Soran (petitioner in CWP-11870-2023) who was the transferee from one Pawan Kumar, latter whereof, was the initial transferee from Rohtash and Gajraj Singh, but naturally also became aggrieved by the rendition of Annexure P-28 (in CWP-28003-2023), wherebys, she too was led to challenge the said passed order, through hers instituting CWP-11870-2023 before this Court. The said writ petition is yet subjudice before this Court.

5. Various orders rendered on the said writ petition become extracted hereinafter.

Order dated 01.06.2023

Learned counsel for respondents no.2 to 5 submits that pursuant to impugned order dated 28.09.2022, Annexure P-14,

2025:PHHC:062013-DB



decision shall be taken by the Administrator independently after considering the entire facts and circumstances and without being swayed in any manner by the expression of opinion, which may have crept in order dated 28.09.2022. It is stated that the matter before the Administrator is now fixed for 08.06.2023.

Learned counsel for the petitioner submits that petitioner shall remain present before the Administrator to present her case.

At request, adjourned to 18.07.2023.

Order dated 10.10.2023

CM-17287-CWP-2023

Document Annexure P-33 is taken on record, subject to just exceptions.

Application is accordingly disposed of.

CM-17293-CWP-2023

Notice of the application.

Learned counsel for the petitioner inter alia contends that order dated 12.09.2023 by the Administrator, HSVP has been passed mechanically to comply with illegal directions by the Chief Administrator for cancellation of allotment in complete violation of provisions of law.

Mr. Himmat Singh, Advocate for Mr. Deepak Sabherwal, Advocate, accepts notice of the application on behalf of the non-applicants/respondents.

At request of learned counsel for the non-applicants/respondents, adjourned to 18.10.2023.

Status quo regarding possession be maintained till next date of hearing.

6. Further, a reading of Annexure P-31 (in **CWP-28003-2023**) unfolds that there is an in-extenso discussion vis-a-vis both Gajraj Singh and Rohtash, after receiving permission from the HUDA Authorities, initially making transfer of the subject plots, to Pawan Kumar, who thereafter after receiving permission, from the HUDA authorities, thus transferred, the subject plot in favour of one Amita

2025:PHHC:062013-DB



Soran. The said transfer to the alienee (supra) was made after the alienor concerned receiving the apposite sale consideration.

7. Since the relevant echoings as made in Annexure P-31, thus speak about the supra alienation(s), therebys, in **CWP-28003-2023 (filed by Gajraj Singh and Rohtash)**, an imperative duty became cast upon both Gajraj Singh and Rohtash, to therein implead both Pawan Kumar and Amita Soran, as party respondents.

8. However, it appears that the counsel concerned appearing for the petitioners in the writ petition (supra) did not take to therein implead the supra, as party respondents, despite both being necessary and proper parties, for effectively deciding the entire gamut of the *lis* embodied in the writ petition (supra).

9. The effect of the above was that since the impugned Annexure in CWP-11870-2023, carried therein grievances common to the grievances raised by Gajraj Singh and Rohtash (in CWP-28003-2023) and also by one Amita Soran who has raised a subjudice writ petition bearing No. CWP-11870-2023 before this Court. Therefore, even if there was omission on the part of the petitioners in **CWP-28003-2023**, to implead therein one Amita Soran (petitioner in CWP-11870-2023) as a party respondent(s), yet both the writ petition(s) (supra) were required to be espoused to become clubbed together, so that, over the issue common to both the writ petition(s), thus a common decision becomes recorded. Nonetheless, the said has also not

2025:PHHC:062013-DB



happened wherebys, though **CWP-28003-2023** has been decided, but CWP-11870-2023 is still subjudice.

10. Therefore, the consequence of non impleadment of one Pawan Kumar and Amita Soran (in CWP-28003-2023), besides the consequence of non rendition of a common verdict, after both the writ petition(s) being clubbed together, but natrually, is that, qua therebys, Amita Soran becoming prejudiced through hers becoming condemned unheard, besides she naturally becomes aggrieved from the rendition of a verdict made by this Court, on 29.01.2025, upon, CWP-28003-2025, wherebys, Annexure P-31, Annexure whereof, is common in both the writ petition(s) (supra), thus has been upheld and that too behind her back.

11. Since on account of breach being made in the supra manner to the principles of natural justice, as such, this Court becomes constrained to allow RA-CW-138-2025 filed by one Amita Soran, whereas, the RA-CW-187-2025 filed by Gajraj Singh and Rohtash is disposed of accordingly.

12. Though, Ms. Sehaj Sandhawalia, Advocate, has vigorously argued on behalf of the review applicant in RA-CW-138-2025, that since the apposite transferee, rather became endowed permission by the competent authorities, to sell the subject plot in favour of the applicant, besides when the sale consideration in respect of the subject plot, thus has already been liquidated to the vendor(s) concerned. Therefore, she has forcefully argued that the alienation of the subject plot as made to

2025:PHHC:062013-DB



the applicant becomes clothed with an aura of legal sanctity, inasmuch as, qua the vendee concerned, the benefit of the principle enunciated in Section 41 of the Transfer of Property Act, 1882, thus is required to be endowed. The said principle of ostensible ownership is argued, in the facts and circumstances prevailing in the instant case, to be fully endowable to the present applicant.

13. However, the merit of the said argument requires an adjudication thereons being made by the Bench seized with CWP-11870-2023, as this Court is only exercising review jurisdiction only over the present review application and does not have the roster to decide the merit of the said argument.

14. Consequently, the main writ petition CWP-28003-2023 is restored to its original number and be listed hereafter before the roster Bench concerned.

15. The pleadings if not completed be ensured to be completed.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURJ)
JUDGE

12.05.2025

kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No