

LPA-1919-2023 (O&M).

2025:PHHC:078077-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**LPA-1919-2023 (O&M)
Date of decision: 03.07.2025**

SOHAN SINGH GARCHA Appellant(s)
Versus

STATE OF PUNJAB AND OTHERS Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Mohit Jaggi, Advocate for appellant.

Mr. R.S. Pandher, Senior DAG, Punjab.

LISA GILL, J.

1. This appeal has been filed for setting aside order dated 14.11.2023, passed by learned Single Bench, whereby CWP-25386-2023, filed by present appellant has been dismissed.

2. Brief facts necessary for adjudication of the matter are that present appellant-writ petitioner filed CWP-25386-2023 for setting aside order dated 19.06.2018, passed by Sub-Divisional Magistrate-cum-Assistant Collector Ist Grade, SAS Nagar, Mohali, besides order dated 12.02.2019, passed by Additional Deputy Commissioner (G)-cum-Collector, SAS Nagar, Mohali, order dated 31.01.2020, passed by Divisional Commissioner, Rupnagar as well as order dated 03.05.2023, passed by the Financial Commissioner (Revenue), Punjab, whereby all the earlier orders have been upheld. Appellant further sought a direction to official respondents to enter mutation of land as described in first para of order dated 14.11.2023, situated

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in village Manakpur Kallar, Teshil and District SAS Nagar, Mohali, in favour of appellant.

3. It is the case of appellant-writ petitioner that he is the *bona fide* purchaser and owner in possession of land as described in his petition and also as noted in impugned order dated 14.11.2023. Appellant claims to be the successor in interest of Hazara Singh son of Chhota Singh, who it is stated, was owner of land in question, said land having been allotted to Hazara Singh. Land measuring 242 Kanal 09 Marlas of Gram Panchayat of Village Manakpur Kallar was declared surplus vide order dated 06.10.1960. Out of this surplus land 102 Kanal 09 Marlas was allotted to one Hazura Singh son of Ram Singh and 140 Kanal land was allotted to Hazara Singh son of Chhota Singh vide order dated 17.07.1975. Land allotted in favour of both Hazura Singh as well as Hazara Singh was cancelled vide order dated 12.10.1984 because they sold the land allotted to them within 15 years thereof in violation of para 10(e) of Punjab Utilization of Surplus Area Scheme, 1973. Appellant had purchased the disputed land from Dilbagh Singh, Angrej Kaur and Natha Singh etc., who had earlier purchased it from Hazara Singh.

4. As per order dated 09.02.1988, passed by Commissioner Patiala Division, Patiala, it was recommended that order dated 06.10.1960, passed by Collector Agrarian, Kharar, declaring area of 242 Kanals 09 Marlas in question to be surplus in the hands of Gram Panchayat should be quashed and entire area which was incorrectly declared surplus should be restored to the Gram Panchayat. This recommendation was accepted by Financial Commissioner, Revenue, Punjab vide order dated 27.04.1993 with the observation that land belonging to Gram Panchayat could not have been declared surplus, therefore, the persons to whom it has been allotted had no right therein. However, it was observed in order dated 27.04.1993 that as the persons to whom land had been allotted were not at fault and they had been adjudged to be persons eligible for allotment of surplus land, the Collector would consider them for allotment of

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some other surplus land after having restored the land in question to Gram Panchayat. Cancellation of allotment as well as order dated 27.04.1993 admittedly was the subject matter of litigation. Mutation no.1505 was carried out reflecting ownership of land in question to be of Gram Panchayat village Manakpur Kallar. Representation filed by appellant objecting to this mutation was rejected by Sub-Divisional Magistrate-cum-Assistant Collector, Grade 1, Mohali, vide order dated 19.06.2018. This decision was upheld by Additional Deputy Commissioner (G)-cum-Collector, SAS Nagar, Mohali, vide order dated 12.02.2019, as well as by Divisional Commissioner, Rupnagar vide order dated 31.01.2020 besides order dated 03.05.2023, passed by the Financial Commissioner (Revenue), Punjab. Aggrieved therefrom CWP-25386-2023 was filed by appellant, challenging the orders as above. CWP-25386-2023 was dismissed by learned Single Bench vide order dated 14.11.2023, aggrieved of which present appeal has been filed.

5. Learned counsel for appellant vehemently argued that appellant is a *bona fide* purchaser of land in question from Natha Singh, Angrej Kaur and others, who had purchased this land from Hazara Singh. This land which originally belonged to Gram Panchayat was duly declared surplus and thereafter allotted to Hazara Singh. Present appellant who is the *bona fide* purchaser in the second place, cannot be put to prejudice in this manner. Mutation no.1505 in favour of Gram Panchayat, Manakpur Kallar, it was submitted, has been incorrectly entered and impugned orders passed without appreciating the controversy in its correct perspective. In the alternate learned counsel for appellant also argued that a direction should be given to respondents to consider allotment of some other land in lieu of land in question. It was thus prayed that this appeal be allowed.

6. Learned counsel for respondent-State had refuted the arguments as raised on behalf of appellant while submitting that learned Single Bench has

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correctly passed order dated 14.11.2023, after considering the entire facts and circumstances. Dismissal of appeal was sought.

7. We heard learned counsel for parties at length and have perused the file carefully with their able assistance. It is a matter of record and not in dispute that land in question belongs to Gram Panchayat, thus, it could not have been declared surplus. Financial Commissioner, Revenue, vide order dated 27.04.1993 directed the entire land i.e. 242 Kanals 09 Marlas to be reverted to the Gram Panchayat. Admittedly, order dated 27.04.1993 which was challenged in CWP-8751-1993, was upheld by this Court vide order dated 27.10.2014. CWP-8751-1993 had admittedly been filed by Hazura Singh son of Ram Singh through his LRs, however, undoubtedly order in question dealt with the entire land measuring 242 Kanals 09 Marlas declared surplus. Vide order dated 06.04.2015 in LPA-247-2015, challenging order dated 27.10.2014, passed in CWP-8751-1993, it is specifically held that Gram Panchayat does not fall within the definition of land owner under the Punjab Security of Land Tenures Act 1953 and that as per Section 27(b) of Punjab Land Reforms Act, 1972, land belonging to or vested in the 'Local Authority' is expressly exempted from operation of that Act. Thus, cancellation of allotment of Gram Panchayat land was correct. LPA-247-2015 was disposed of on 06.04.2015 with a direction to the Collector Agrarian, Kharrar and/or Higher Authorities in the State of Punjab to consider allotment of alternate land to legal heirs of deceased allottee, subject to their eligibility etc.

8. In the above said factual matrix, no ground whatsoever is made out for interfering in the impugned order dated 14.11.2023, passed by learned Single Bench, whereby claim of appellant has been rejected. We also do not find any merit in the argument raised by learned counsel for appellant that a direction should be given to respondents to allot alternate land. This is so for the reason that appellant at no point of time has ever been found eligible for

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allotment of surplus area in terms of applicable provisions of law. He is admittedly a subsequent purchaser from the person who had purchased the land from the original allottee i.e. Hazara Singh. At this juncture we deem it appropriate to refer to affidavit dated 22.04.2025 of Smt. Komal Mittal, IAS, Deputy Commissioner/District Collector, SAS Nagar, filed in compliance of orders passed in this appeal, to the effect that no land/alternate land has been allotted to legal representatives of either the deceased Hazura Singh or Hazara Singh.

9. No other argument had been addressed.

10. Learned counsel for appellant was unable to point out any infirmity, irregularity or perversity in the impugned order dated 14.11.2023, passed by learned Single Bench, which is accordingly upheld.

11. In the given facts and circumstances as above, we do not find any ground whatsoever to cause interference in this appeal, which is accordingly dismissed being devoid of any merit. Needless to say, appellant shall be at liberty to avail his remedy(ies) as may be available to him in accordance with law qua his vendors.

12. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

03.07.2025

Sunil

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