



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

**LPA No. 933 of 2024 (O&M)  
Reserved on: 14.10.2024  
Pronounced on:17.01.2025**

**Parkash Singh and others**

**....Appellants**

**Versus**

**State of Punjab and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Akshay Jindal, Advocate,  
for the appellants.

Mr. Jastej Singh, DAG., Punjab.

Mr. R.P.S. Bara, Advocate  
for respondents no.3 to 5 (through video conferencing).

**VIKRAM AGGARWAL J.**

1. This intra Court appeal assails the order dated 06.02.2024 passed by the learned Single Bench vide which the petition filed by appellants was disposed of with liberty to the appellants to avail alternate remedies for redressal of their grievances as per law on account of there being disputed questions of fact in the writ petition.

2. The appellants claimed to be non-proprietors/inhabitants of village Baltana, Tehsil Dera Bassi, District SAS Nagar, Mohali. They assail the Resolution No. 13 dated 12.03.2012 issued by the Municipal Corporation, Zirakpur, vide which land measuring 2000 sq. yards situated in village Baltana had been sold to respondent no.3 (Punjab State Power

Corporation Limited) (for short PSPCL). The consequent sale deed dated 29.09.2015 was also sought to be quashed.

3. The appellants averred in the writ petition that after consolidation in the year 1985, land comprised in Khasras No. 973, 974, 975 and 978 situated in village Baltana was reserved for non-proprietors as Abadi plots were situated in the said Khasra numbers. Reference was made to the jamabandi for the year 2012-13 (Annexure P-2) to show that in the said Khasra numbers, there were *gair mumkin/abadi* plots inhabited by the non-proprietors and members of Scheduled Castes. Photographs of the land in question were also placed on record as Annexure P-3.

4. It was the claim of the appellants that being non-proprietors and belonging to downtrodden sections of the society they had been living in their *pucca* houses constructed over the land comprised in Khasra Nos. 973, 974, 975, 978 for the last about 40 to 50 years. It was averred that only a small portion of the land was vacant or was sparsely populated and that the said land was being used by the appellants for tethering cattle etc. and for using the same for social gatherings, marriages etc.

5. The appellants were aggrieved of order dated 12.03.2012 (Annexure P-4) vide which respondent No. 2 (Municipal Council, Zirakpur) (for short MC, Zirakpur) had resolved to transfer 2000 sq. yards in village Baltana and 5000 sq. yards in village Dayalpura to PSPCL for setting up a Sub-Station at Baltana. Pursuant to the resolution, sale deed dated 29.09.2015 (Annexure P-5) was also executed. It was stated by the appellants that the respondents were trying to take

possession of the said land and on account of the same, some houses belonging to the non-proprietors had been demolished. Under the circumstances, the writ petition was preferred.

6. The writ petition was opposed by the respondents. In the written statement filed by MC, Zirakpur, it was stated that at the time of consolidation, the land falling in Khasra No.978 was reserved as *Gair Mumkin* and that the appellants were also residing in Khasra no. 978. It was averred that the total area of Khasra no. 978 was 04 Bighas and 15 Biswas i.e., 4750 sq. yards out of which the appellants have constructed their houses in area measuring 2000 sq. yards and only 2000 sq. yards had been transferred by MC, Zirakpur, to PSPCL for construction of 66 KV Sub-Station which was also for the benefit of residents of the area. It was specifically averred that no construction had been touched or disturbed and no demolition had taken place.

7. It was further averred that pursuant to resolution dated 12.03.2012 (Annexure P-4) having been issued, the same was sent to the State Government for approval and approval was duly granted vide communication dated 06.06.2014 (Annexure R2/3). However, approval as regards land measuring 5000 sq. yards in village Dayalpura was pending with the State Government.

8. It was basically averred that only vacant land had been sold to PSPCL and the construction of the appellants had not been demolished.

9. PSPCL also filed a short written statement stating that the location was best suited for installation of 66 KV Grid Sub-Station at Baltana for supply of electricity and that no other land was available in

the vicinity for construction of the Sub-Station. It was also averred that pursuant to transfer of the land, work had been started for erection of the said Sub-Station.

10. Learned Single Bench disposed of the writ petition holding that for disputed questions of facts were there in the writ petition, it would be open to the appellants therein to avail alternate remedies in accordance with law.

11. Learned counsel for the parties were duly heard.

12. Learned counsel for the appellants submitted that the learned Single Bench had erred in holding that there were disputed questions of fact whereas actually there were no disputed questions of fact. It was submitted that the question of title had already been decided in CWP No. 1418 of 1986, which has been affirmed by the Division Bench in LPA No.62 of 2008. It was further averred that the title of the land in question did not vest in MC, Zirakpur. Reference was made to certain litigation, which had been initiated previously. Learned counsel submitted that in the resolution dated 12.03.2012, it was not specified as to from where this 2000 sq. yards of land is to be given to PSPCL and that the land under the possession of the non-proprietors was given to PSPCL. Reference was also made to Rule 16 of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Rules, 1949.

13. Per contra, learned counsel for the respondents submitted that there is no illegality in the order passed by the learned Single Bench and no interfere is, therefore, called for.

14. Having heard learned counsel for the parties, we find the appeal to be devoid of merit. Certain facts are admitted. The appellants

are non-proprietors having possession of about 2000 sq. yards of land in a particular Khasra number. There are claims and counter claims insofar as the appellants claim to be in possession of Khasra Nos. 975 and 978, whereas the respondents states that the appellants are in possession of 2000 sq. yards in Khasra no. 978 alone. Further, though the appellants have tried to raise a title dispute, there is practically no title dispute as regards the ownership of the land under the MC Zirakpur. It is the specific case of the respondents that only 2000 sq. yards of land from Khasra no. 978 has been transferred to PSPCL and that the houses of the appellants have not been demolished. The appellants on the contrary claim that their houses have been demolished. The learned Single Bench, therefore rightly came to the conclusion that since there were rival claims, there were disputed questions of fact involved and therefore it would be open for the appellants to avail alternate remedies in accordance with law.

15. Another thing which needs to be noticed here is that at the end of the day, the appellants are non-proprietors and in possession over a specific portion of the land. They cannot raise any dispute as regards the other land which is not under their occupation and it would be for the government to see as to whether the land is being transferred by MC, Zirakpur in an authorized manner or not. In any case, for there are disputed questions of fact, the learned Single Bench rightly held that the appellants could avail alternate remedies and did not entertain the writ petition.

16. We do not find any illegality in the said decision and, therefore, find no reason to interfere with the judgment of the learned Single Judge.

In view of the above, we do not find any merit in the present appeal and the same is accordingly dismissed.

**(ARUN PALLI)**  
**JUDGE**

**(VIKRAM AGGARWAL)**  
**JUDGE**

**Pronounced on: 17.01.2025**

*Rekha*

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