



CWP-4789-2025 (O&M)

-1-

116

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

**CWP-4789-2025 (O&M)
Date of Decision: 06.08.2025**

Mange Ram (Deceased) Through His LR

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 22.01.1960 (Annexure P-1) passed by the learned Collector (Agrarian), Rohtak, order dated 14.10.2015 (Annexure P-3) passed by the learned Commissioner, Rohtak Division, Rohtak and order dated 30.12.2016 (Annexure P-4) passed by the learned Financial Commissioner, Haryana.

2. Petitioner claims that his father namely Sh. Mange Ram and proforma respondents No.10 to 16 were old tenants on 15.08.1947 over settlement Khasra Nos. 4510, 4511, 4512 and 4513 measuring 19 bighas-2 biswas of Village Meham (as per *jamabandi* for the year 1952-53) under the big land owners namely Gobind Parshad and another.



CWP-4789-2025 (O&M)

-2-

2.1 It is stated that Sh. Gobind Parshad and Jagdish Rai were big land owners as on 15.04.1953 and vide order dated 22.01.1960 (Annexure P-1) passed by the learned Collector (Agrarian), Rohtak, an area measuring $20 \frac{3}{4}$ standard acres were taken under the old tenants and $46-5 \frac{1}{4}$ standard acres were taken as surplus.

2.2 It transpires that the petitioner along with proforma respondents No.10 to 16 (being the legal heirs of Sh. Mange Ram) challenged order dated 22.01.1960 by filing an appeal under Section 24 of the Punjab Security of Land Tenures Act, 1953. The said appeal appears to have been instituted in the year 2015 and the same was dismissed by the learned Commissioner, Rohtak Division, Rohtak vide order dated 14.10.2015 (Annexure P-3) by observing as under:

“4. I have heard the arguments of the learned counsel for the appellants and have also perused the record comes on the tile. There is no dispute that the land of the landowner was declared surplus by the Collector vide his order dated 22-1-1960 and this appeal has been filed by the appellants in this Court on 12-8-2014, about 54 years and 7 months after the date of this decision, whereas as per the rules, it should have been filed within 60 days and this delay has been done by them for more than 54 years and 7 months, according to which this appeal is hopelessly time barred. It has also been mentioned by the appellants in their appeal that by the order of the prescribed authority, Rohtak dated 15-6-1984, they were allotted Kila No. 447/16-7/1-7/2-8, 14/2-15/1 measuring 29 Kanal 13 Marla and respondent No. 5 and others were allotted land measuring 454/8-9-10, 455/4/3-5-6-7/1-14-15-17/1 measuring 62 Kanal 14 Marla. If the appellant was dissatisfied with the area allotted to him, he kept quiet for almost 31 years after the order of the prescribed authority dated 15-6-1984. On this basis also, this delay is more than 31 years. Apart from this, no application was



CWP-4789-2025 (O&M)

-3-

made by the appellant to condone in appeal filed late in the file and neither could he present any concrete reason before me for filing the present appeal after a gap of 54 years and 7 months, whereas as per the rules, the reason for every day's delay has to be explained. Reopening a settled case after so many years is promoting a new litigation. Therefore, as per the situation described above, the appeal of the appellants (hopelessly time barred) is hopelessly time barred. Therefore, it is dismissed at the initial stage. After compliance, the case be consigned to record room."

2.3 Being dissatisfied, the petitioner preferred a revision petition (ROR No.146 of 2015-16) before the Division Bench of the Financial Commissioners, Haryana, however, the same was also dismissed vide order dated 30.12.2016 (Annexure P-4) by observing as under:

"We have duly considered the arguments advanced by both the counsels and have perused the relevant record of the case and have also examined the impugned orders. The land of big land owner was declared surplus under the Punjab Act, on 22.01.1960. The father of petitioners Mange Ram was the alleged tenant on the land of big land owner but he never questioned the surplus order during his lifetime and same attained finality. The surplus land vested in the State of Haryana under Section 12(3) of the Haryana Act and was made available for utilization under the Haryana Utilization of Surplus and Other Areas Scheme, 1976. The prescribed authority vide its order dated 15.06.1983 allotted land measuring 62 kanal 14 marla to the respondents and 29 kanal 13 marla to Sh. Mange Ram father of petitioners. The order of the prescribed authority was challenged by petitioners before the Commissioner on 12.08.2015. The petitioners have not given any reasonable and justifiable ground for the delay of 32 years in challenging order of prescribed authority. The Commissioner, Rohtak dismissed the revision petition vide its order dated 14.10.2015 on the ground of limitation. The order



of Commissioner in our view is legally tenable and justified. The petitioners should have challenged the allotment order within a reasonable time which they failed to do so.

“In view of the discussion as made above the present revision petition is devoid of any merit and the same is accordingly dismissed.”

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs as noticed above.

4. Apparently, the claim of the petitioner was rejected by the learned Financial Commissioner vide impugned order dated 30.12.2016 (Annexure P-4) and the present writ petition has been filed after more than eight and half years. The reasons for not filing the appeal within a reasonable time is mentioned by the petitioner in para No.8 thereof, which reads as under:

“8. That after dismissing the revision i.e. ROR No.146 of 2015-16 on 30.12.2016, the petitioner was filed a Civil suit No.CS/196/2017 Registered on 11.09.2017 for Declaration and Correction of Khasra Girdawari and setting aside order dated 15.06.1983, 22.01.2007 and 29.02.1964 passed by Ld. Collector due to wrong advice of the counsel before the Ld. Civil Court, Maham, Rohtak and the same has been dismissed vide order dated 22.08.2024 by Ld. Addl. Civil Judge (Sr. Div.), Meham. Therefore, after decided the above suit the present civil writ petition is being filed within limitation.”

5. A perusal of the above extracted para would show that after dismissal of the revision petition by the learned Financial Commissioner vide order dated 30.12.2016 (Annexure P-4), the petitioner is stated to have filed a civil suit seeking setting aside of orders dated 15.06.1983, 22.01.2007 and 29.02.1964, whereas in the present writ petition, the challenge is to the orders dated 22.01.1960 (Annexure P-1), 14.10.2015 (Annexure P-3) and 30.12.2016 (Annexure P-4).



CWP-4789-2025 (O&M)

-5-

6. It is not forthcoming as to what is the relation of the orders dated 15.06.1983, 22.01.2007 and 29.02.1964 passed by the learned Collector, which were challenged in the civil suit filed by the petitioners.

7. That apart, the aforesaid civil suit is stated to have been dismissed by the Civil Court on 22.08.2024 and even from that day, the present writ petition has been filed, after almost one year.

8. Evidently, the instant writ petition challenging the impugned orders is clearly barred by delay and laches and no sufficient cause has been shown by the petitioner for not approaching this Court within a reasonable time. It is also worth noticing that even the challenge to order dated 22.01.1960 (Annexure P-1) passed by the learned Collector (Agrarian), Rohtak was rejected by the learned Commissioner, Rohtak Division, Rohtak vide order dated 14.10.2015 (Annexure P-3) on the ground of delay and laches and so was the revision, which was dismissed on 30.12.2016 (Annexure P-4).

9. In view of the above discussion, I find no merit in the instant writ petition, therefore the same is accordingly dismissed.

10. All pending application(s), if any, shall also stand closed.

06.08.2025

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No