



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

**112**

**LPA-2442-2025 (O&M)**

**Date of Decision: 25.08.2025**

LABH SINGH AND ORS

...Appellants

Versus

STATE OF HARYANA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Amit Jhanjhi, Senior Advocate with  
Ms. Eliza Gupta, Advocate and  
Mr. Angrez Singh, Advocate, for the appellants.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

**CM-6149-LPA-2025**

For the reasons mentioned in the application under Section 5 of the Limitation Act for condonation of delay of 05 days in filing the appeal, which is supported by an affidavit, the same is allowed and delay of 05 days in filing the appeal is condoned.

CM stands disposed of.

**LPA-2442-2025 (O&M)**

1. In the present appeal, the challenge is to the order dated 10.06.2025 passed by the learned Single Bench, by which the prayer of the appellants herein, who were petitioners before the learned Single Judge, that the land which has been allotted in favour of the private respondents by



respondent No.2 vide order dated 09.03.1984 is incorrect and could not have been done, has wrongly been rejected.

2. Learned Senior Counsel for the appellants argues that through it is clear by the order dated 15.06.1960 (Annexure P-1), as far as back on 15.06.1960, 98 kanals and 09 marlas of the land of the predecessor-in-interest of the appellants herein, namely Paras Ram @ Parsa son of Udai Ram, resident of village Mirzapur, Tehsil and District Ambala, was declared surplus under the Punjab Security of Land Tenure Act, 1953 (hereinafter referred to as '1953 Act'). Learned Senior Counsel submits that nothing has come on record to show as to whether the land which was declared surplus under the 1953 Act, is being allotted to the private respondents or the land which has been vested in State of Haryana under the Haryana Ceiling on Land Holdings Act, 1972 (for short '1972 Act') has been allotted in favour of respondent No.3-Ajmer Singh, which fact is still unclear and missing.

3. We have heard learned Senior Counsel appearing on behalf of the appellants and have gone through the record of the case with his assistance.

4. It may be noticed that in the reply filed to the writ petition, the State had presented the fact before the learned Single Judge that the land measuring 98 kanals and 09 marlas of Shri Paras Ram @ Parsa was declared surplus under 1953 Act vide order dated 15.06.1960 (Annexure P-1), which order Parsa challenged upto this Court but could not succeed. Further, the findings which have been recorded by the learned Single Judge is that the



land of Parsa which was declared surplus in the said order, the rights of such land vest with the State Government to be put to use and it was only thereafter, the said piece of land was allotted to the private respondents. Once, it has already come on record that the land measuring 98 kanals and 09 marlas was utilized on 09.11.1977 onwards, on various dates including 30.11.1977 and 09.03.1984, it cannot be said that any land which was acquired under the 1972 Act was being given to the private respondents for the purpose of allotment.

5. Further, learned Senior Counsel appearing for the appellant failed to show as to whether any land belonging to Parsa was declared surplus under the 1972 Act. Once no land belonging to the appellants was declared surplus under the 1972 Act, merely inadvertent use of 1972 Act while allotting the land in question to the private respondents will not take away the actual fact that the land allotted to the private respondents was that of the 98 kanals and 09 marla of land of Parsa declared surplus on 15.06.1960. It is a conceded fact that no land of the appellants was declared surplus under the 1972 Act. That being so, the land which was declared surplus under the 1953 Act vide order dated 15.06.1960, which proceedings had already attained finality, was being put to use by the State Government and the same was utilized by allotting the same to private respondent, which is clear from the reply filed by the State, which fact has gone unrebutted.

6. Keeping in view the totality of circumstances, once it has already been held that the land in question of Parsa measuring 98 kanals and



09 marlas which was declared surplus as far as back on 15.06.1960 and the rights qua the said land vests with the State Government, the State has full power to utilize the same in the manner required and allotment of same in favour of private respondents was well within the jurisdiction of the State.

7. Further, even as per 1972 Act, Section 12 sub-clause 3 clearly states that wherever, an area declared surplus or tenet's permissible area under the Punjab law and the area declared surplus under the Patiala and East Punjab State Union (for short 'PEPSU') Law, which has not been vested so far with the State Government, will also be deemed to have been so far vested with the State Government w.e.f. the appointed day, as may be so declared under the Punjab Law or the PEPSU Law.

8. Keeping in view the said deeming provision, according to which legal fiction, even otherwise the land which was declared surplus under the Punjab Law or PEPSU Law, will vest with the State and the State pleaded rightly before the Learned Single Bench that the land measuring 98 kanals and 9 marlas of Shri Paras Ram @ Parsa stood vested with the State and the same has already been utilized on 09.11.1977, 30.11.1977 and 09.03.1984, the said land was given in allotment to the private respondents.

9. Learned Senior Counsel submits that though, it has been mentioned by the respondents that the surplus area declared vide order dated 15.06.1960 (Annexure P-1) already stood utilized on 09.11.1977, 30.11.1977 and 09.03.1984, but no such order has been brought on record. Though, no such order has been brought on record by the State but nothing has been



shown to this Court even by the appellants to underpin their assertion that the said averment made, are incorrect and perverse, and therefore, in the absence of any perversity being pointed out qua the fact which has been taken into account by the learned Single Judge, the same cannot be interfered only on the ground that the said orders were not brought on record.

10. Moreover, the dispute the dispute had attained finality upto this Court in CWP-1381-1966, which was decided on 22.07.1994 and no appeal against the said order was preferred.

11. No other argument has been raised.

12. Keeping in view the totality of the circumstances, as this Court feel that there is no perversity in the impugned order dated 10.06.2025 passed by the learned Single Judge, no interference is called for. Accordingly, the appeal is dismissed.

13. Pending application(s), if any, also stand disposed of.

( HARSIMRAN SINGH SETHI )  
JUDGE

( VIKAS SURI )  
JUDGE

**August 25, 2025**

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Whether speaking/reasoned	Yes
Whether reportable	No