



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

**LPA No. 1672 of 2025 (O&M)
Date of Decision:07.07.2025.**

State of Punjab and others

.....Appellants

Versus

Kuldeep Singh (since deceased) through LRs and others

..... Respondents

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

**Present: Mr. R.S.Pandher, Addl.AG., Punjab
for applicant-appellants.**

LISA GILL, J.

1. Prayer in this appeal filed by the State is for setting aside order dated 06.11.2024 passed by learned Single Bench, whereby CWP No. 3763 of 1998 filed by respondent No.1 (represented by his legal representatives) was allowed.

2. Brief facts necessary for adjudication of the matter are that respondent No.1/writ-petitioner filed CWP No. 3763 of 1998 for setting aside order dated 14.01.1998, Annexure P-13, passed by respondent No.4 besides seeking a direction to the respondents to deliver possession of land sold to writ-petitioner in public auction with consequent issuance of the sale certificate, except the one *khasra* number involved in CWP No. 15003 of 1990.

3. It is a matter of record that auction of Plot No. 95, Garhshankar measuring 10 Kanals 06 Marlas comprised in *khasra* nos. 1280, 1281,

6861/1283, 1284, 1285 and 1286 was auctioned on 13.12.1968. Land in question was urban acquired evacuee plot. Petitioner who participated in the auction process was declared the highest auction bidder for a sum of Rs.15,200/-. Earnest money of Rs.3040/- was deposited vide receipt dated 13.12.1968 and balance amount of Rs.12,160/- was deposited vide challan dated 08.04.1974 with the sale being completed in his favour. It is further an admitted position that during consolidation of landholdings, *khasra* numbers sold to the petitioner underwent a change. Petitioner was entitled to land comprised in *khasra* Nos.44//2/3 (3-13), 44//8/1 (1-02), 44//9/1 (2-7), 44//1/2 (1-11). Tehsildar (Sales) Headquarters (Jalandhar), sought a report with respect to new *khasra* numbers as assigned against old *khasra* numbers in which land had been allotted to petitioner, for issuance of certificate in favour of writ petitioner, vide communication dated 07.07.1980. Relevant extracts of communication dated 07.07.1980 have been reproduced in para of impugned order dated 06.11.2024 and are not being reproduced for the sake of brevity. Despite inter departmental communication, sale certificate was not issued in favour of writ petitioner.

4. One Rulia Ram son of Genda Ram, belonging to Backward Class, addressed communication dated 05.03.1976 to Tehsildar, Garhshankar, seeking a declaration that he was a *gair marusi* occupant since 1969 upon half share of evacuee land in northern side of new *khasra* no. 44//1/2 (1K-11M) situated in Urban Estate Garhshankar. Tehsildar (Sales), Hoshiarpur, transferred half share of abovementioned *khasra* number in favour of Rulia Ram on the basis of his alleged possession as *gair marusi* occupant. This allotment was statedly made in terms of State Policy. Upon representation submitted by writ-petitioner in terms of Section 10 of the Punjab Package Deal Properties (Disposal) Act, 1976, Deputy

Commissioner-cum-Chief Sales Commissioner, Hoshiarpur, set aside said allotment of land in favour of Rulia Ram vide order dated 18.04.1985. This order was set aside by Commissioner Jalandhar Division upon a petition filed by Rulia Ram. However, on an appeal filed by writ-petitioner, Financial Commissioner (Appeals), Punjab, vide order dated 11.10.1990 reversed the order passed by Commissioner Jalandhar Division and restored the order passed by Deputy Commissioner, Hoshiarpur while holding that upon deposit of auction money, transaction of petitioner attained finality and that initial deposit of Rs.3040/- was made by petitioner. Though allotment was cancelled due to non-payment of balance amount on 18.12.1973 but he was subsequently allowed to deposit the balance amount by 08.04.1974 in terms of order dated 11.03.1974 passed by Chief Settlement Commissioner. Thereafter, deposit of balance amount of Rs.12,160/- was admittedly made on 08.04.1974 upon which transaction in favour of petitioner attained finality and there was no occasion to put the plot for re-auction by the Rehabilitation Department. Rulia Ram could not have been permitted to purchase the plot on 24.04.1979 on the basis of possession.

5. It is to be noted that part of the land sold to writ-petitioner was re-auctioned in favour of one Puran Singh and Avtar Singh but the sale in their favour was set aside by Deputy Commissioner, vide order dated 18.04.1985. It is further a matter of record that CWP No. 15003 of 1990 filed by Rulia Ram, challenging order dated 11.10.1990 passed by Financial Commissioner (Appeals), Punjab, was dismissed for non-prosecution on 16.12.2010 with Rulia Ram not pursuing the matter till date, as admittedly application for restoration of writ petition has never been filed. Moreover, Puran Singh and Avtar Singh have also not challenged the orders passed by authorities whereby re-auction in their favour was set aside.

6. It is in these circumstances that learned Single Bench held that once the plot was sold in public auction conducted by Settlement Authorities, Government of India and proceedings attained finality with deposit of the entire amount in question and that claim of Rulia Ram, Pooran Singh and Avtar Singh who at one point of time had staked their claim to part of the land stood negated, present appellants were duty bound to handover the auctioned land free from encumbrances and issue the requisite sale certificate.

7. Learned counsel for the appellants has made a valiant effort to raise a challenge to impugned order dated 06.11.2024. It is submitted that once the writ-petitioner had not deposited the complete balance consideration by the stipulated date, the transaction was cancelled vide order dated 18.12.1973. Therefore, writ-petitioner/auction purchaser had failed to fulfil his contractual obligation, it was thus not incumbent upon present appellants to have issued the sale certificate. This argument is clearly devoid of any merit because it is a conceded position that Chief Settlement Commissioner vide order dated 11.03.1974 had allowed respondent/writ-petitioner to deposit the balance amount by 08.04.1974 and that the said amount was admittedly deposited on 08.04.1974. Order dated 11.03.1974 at no stage had been challenged by appellants and they had permitted the transaction to attain finality.

8. Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in impugned order dated 06.11.2024 which calls for interference by this Court. There is a delay of 168 days in filing this appeal. As the matter has been decided on merits, adjudication of this application is rendered academic and the application is disposed of accordingly.

9. No other argument has been raised.

10. Keeping in view the facts and circumstances as above, impugned order dated 06.11.2024 is upheld. Present appeal is accordingly dismissed with no order as to cost. Pending application (s), if any, stand (s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(SUDEEPTI SHARMA)
JUDGE**

July 07, 2025.

s.khan

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