

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15675-1997 (O/M)
Date of decision : 03.07.2025

Dharam Singh through LRs Petitioner

Versus

Chief Sales Commissioner-cum-Deputy Commissioner,
Roop Nagar and another Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Karan Bhardwaj, Mr. Ishaan, Advocates
for the petitioner.

Mr. Navneet Singh, Senior DAG Punjab.

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HARSH BUNGER, J.

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is issuance of a writ in the nature of certiorari for setting aside the order dated 29.08.1997 (Annexure P-7A), passed by Tehsildar (Revenue)-cum-Sales, Kharar, District Roop Nagar, which reads as under :-

“Application of Sh. Dharam Singh s/o Gurbax Singh s/o Narata Singh r/o H.No. 541-U, Ward No. 2, Near Bhagat-Ghat Mandir, Kharar – application submitted by him for transfer of surplus evacuee land comprised of Khasra No. 18//2/2 (0-12); 3 (8-0) measuring 8 K – 12 M, on the basis of possession prior to Kharif, 1992.

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Sh. Dharam Singh s/o Gurbax Singh had submitted an application under the policy for the year 1994, for transfer of the disputed land as per his possession prior to Kharif, 1992, in respect of the Khasra Nos. 18//2/2 (0-12); 3 (8-0) situated in Vill. Kharar. The scrutiny of this

application wa got made from the Tehsildar-Revenue-cum-Sales who while recommending the transfer of the disputed land vide his report dated 21.9.94, sent over he case to the Sub-Divisional Officer (C), Kharar. The Sub-Divisional Officer (C), Kharar recommended this case vide his office No. 559 dated 23.5.95 for transfer of the land, in dispute to the Dy. Commissioner, Roopnagar; but the Deputy Commissioner, Roopnagar vide his No. 2583 dated 18.6.97, returned the case to the Sub-Divisional Officer © directing that the S.D.O. (C), Kharar or Tehsildar, Kharar should decide the case in accordance with the rules at their own level.

That in accordance with the letter dated 23.5.95 of the Sub-Divisional Officer (C), Kharar, the land, in dispute, had been sold by public auction being urban in the year 1983 but against this auction-sale, the Financial Commissioner, Appeals had, while deciding the case on 15.7.92, held this land a rural, though prior thereto considering this land as urban, it had been sold out. Against the case of applicant-Dharam Singh, Harpal Singh s/o Pritam Singh – auction purchasers and Sh. Ravinder Singh Rana, Advocate have filed objection that the decision which had been made for the disputed land by the Financial Commissioner-Appeals vide order dated 15.7.92, against that he had filed CWP No. 9720 of 1993 in the Hon'ble Punjab & Haryana High Court which was admitted by the Division Bench and this case has been listed for hearing.

In view of the above circumstances, it becomes clear that this matter regarding disputed land is pending in the Punjab & Haryana High Court. Therefore, till the decision thereof, this case is filed. After decision of that case, this case would be taken up again.”

2. A perusal of above extracted order would show that the land regarding which petitioner (Dharam Singh) had submitted an application

for transfer, comprised in Khasra No. 18//2/2 (0-12) and 3 (8-0), situated in village Kharar, on the basis of his possession prior to Kharif 1992, in terms of Government policy of year 1994; the said land had already been sold by way of public auction in the year 1983 in favour of Harpal Singh son of Shri Pritam Singh (auction purchaser); however, learned Financial Commissioner (Appeals), Punjab, vide order dated 15.07.1992 (Annexure P-8), had restored the order dated 04.03.1987, passed by Deputy Commissioner-cum-Chief Sales Commissioner, Rupnagar, whereby the matter had been remanded to Sales Commissioner, Kharar, for deciding the case afresh by considering the property as rural area.

2.1 The aforesaid Shri Harpal Singh had challenged the order dated 15.07.1992 (Annexure P-8), passed by learned Financial Commissioner (Appeals), Punjab, by filing his separate writ petition i.e. CWP-9720-1993, which has been allowed, vide order of even date passed by this Court and sale made in the open auction has been confirmed. Accordingly, as a consequence thereof, nothing survives in this writ petition and the same is accordingly dismissed.

3. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

03.07.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No