

154 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-9496-1993 (O/M)

Date of decision : 31.07.2025

Viranwali Gulati (deceased) through LRs ..... Petitioner

Versus

Defence Estate Officer and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Vikas Singh, Advocate  
for the petitioner.

Mr. Harpreet Singh, AAG Punjab.

Mr. Lalit Attri, Central Government Counsel  
for respondents No. 1 and 3.

Mr. Jai Bhagwan, Advocate  
for respondent No. 2.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Viranwali Gulati) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside order 12.02.1992 (Annexure P-6), passed by Defence Estate Officer, Jalandhar Cantonment (respondent No. 1).

1.1 A further prayer has been made for issuance of appropriate direction to treat the petitioner as owner of 2.61 acres bungalow No. 59, Bhim Road, Jalandhar Cantonment and not to interfere in her possession.

2. Briefly, petitioner is stated to be a widow of late Col. K.R. Gulati, who is stated to have been allotted Bungalow No. 59, situated

within the area of Jalandhar Cantonment by the Regional Settlement Commissioner, Rehabilitation. It is stated that before the execution of the conveyance deed of the aforesaid property in favour of Col. K.R. Gulati, he expired, however, subsequently, a deed of conveyance was executed in favour of the petitioner (Viranwali Gulati) on 20.12.1962 (Annexure P-1). It is further stated that the details of property so conveyed, vide aforesaid conveyance deed (Annexure P-1), were given in Schedule-I, attached to the conveyance deed and site plan, which have been attached with the instant writ petition as Annexure P-2 and Annexure P-3, respectively. The relevant extracts of Schedule I read as under :-

*“BUNGLOW NO. 59, JULLUNDUR CANTT.*

*SCHEDULE I*

*All that piece or parcel of land and/or building(s) situated at Jullundur Cantt. containing by admeasurement ..... or thereabouts and bounded Jullundur Cantt.*

*on the North by Kacha Rasta  
on the South by Metlled Road and Takia  
on the East by Kaha Road  
on the West by Churah, Takia Nazumdin*

*SCHEDULE II*

*Name of the associates -*

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....
- 6. ....

*Signed by the said DR and MO for an on behalf of the President of India in the presence of .....*

*Sd-*

- 1. ....

*Sd-*

- 2. ....

*Sd-  
Managing Officer (P),  
Jullundur”*

2.1 According to the petitioner, from the measurement depicted in the site plan, the area of Bungalow No. 59 works out to be 2.6 acres approximately. It is alleged by the petitioner that respondent No. 1 (Defence Estate Officer, Jalandhar Cantonment) has wrongly shown part of the plot conveyed to the petitioner as a part of Survey No. 259 (Tokia Nizamuddin Shah). It is stated that the petitioner's bungalow No. 59 has been allocated "Survey No. 261".

2.2 It is the case of the petitioner that although, the petitioner was transferred bungalow No. 59 in the year 1962, yet respondent No. 1 has not entered mutation in favour of the petitioner and has not recognized the petitioner as owner of bungalow No. 59 in accordance with conveyance deed. It is the pleaded case of the petitioner that there is no record with respondents regarding the area of Survey No. 259 and also as regards area of Survey No. 261.

2.3 It appears that son of petitioner Shri R.N. Gulati submitted a representation dated 15.12.1992 (Annexure P-5) to respondent No. 2 (Punjab Wakf Board) calling upon them to disclose the area comprised in Survey No. 259 and also the area, which was in their possession. It appears that respondent No. 1 (Defence Estate Officer, Jalandhar Cantonment), vide its order dated 12.02.1992 (Annexure P-6), has informed the son of petitioner Mr. R.N. Gulati that according to their record, Survey No. 259 measures 3.15 acres and the area of Survey No. 261 is only 1.65 acres.

2.4 It is the aforesaid letter dated 12.02.1992 (Annexure P-6), which has been impugned in this civil writ petition.

3. Per contra, the stand of respondent No. 1 (Defence Estate Officer, Jalandhar Cantonment) is that the land under/appurtenant to bungalow No. 59 ad-measures 1.65 acres comprising Survey No. 261, Jalandhar Cantonment, which belongs to Government of India, Ministry of Defence. It is stated that the predecessor of the said bungalow had held the land on Old Grant Terms as governed by the Governor General in Council Order No. 179 of 12.09.1836, whereby he was having only occupancy right of the land as a licensee. It is further submitted that as per the procedure of disposal of evacuee properties in cantonments, the officer authorized to transfer/sell properties on behalf of the Ministry of Rehabilitation was required to obtain necessary details of evacuee properties falling within the cantonments as well as rights/interest held by the evacuee therein from the concerned Defence Estate Officer and finalise sale/transfer deed in consultation with him, but no such action appears to have been taken by Rehabilitation Department in this case. It is stated that the Rehabilitation Department could not pass on sale/transfer greater rights affecting the rights, title and interest of the Ministry of Defence and in case, greater rights have been sold by the Rehabilitation Department in contradiction of the law/rules in force, then the same are not binding upon Ministry of Defence.

3.1 It is the specific case of respondent No. 1 that the petitioner was advised to get the mutation of the actual area of bungalow No. 59 (Survey No. 261) i.e. 1.65 acres in her name by submitting an admission deed, vide Defence Estate Officer's letter dated 26.05.1988 and to take up the matter regarding mutation of other area measuring 1.02

acres being part of Survey No. 259, Jalandhar Cantonment separately, as the same is a part of Wakf property. It was also stated that no measurements of area of bungalow No. 59, Jalandhar Cantonment have been mentioned in conveyance deed issued by the Rehabilitation Department and that the claim of the petitioner is based on vague and incorrect boundaries stated in the conveyance deed.

3.2 It is further the case of respondent No. 1 that the General Land Register of Cantonment Area is maintained by it under the provisions of Rules 3 and 10 of Statutory Rules (CLA Rules, 1937), framed under Section 280 of Cantonment Act, 1924, which cannot be amended/altered merely on the basis of fake/vague documents issued by the officers of other department (Rehabilitation Department) at the back of respondent No. 1.

4. On the other hand, the stand of respondent No. 2 (Punjab Wakf Board) is that the instant civil writ petition involves disputed questions of fact, therefore, the petitioner is required to avail her appropriate remedy before the appropriate forum. It is stated that the instant civil writ petition suffers from delay and laches as the petitioner was informed regarding the stand of department way back on 26.05.1988, whereas the instant civil writ petition was filed in the year 1993. It is further stated that the land measuring 3.15 acres bearing Survey No. 259 is under the control and management of Punjab Wakf Board and that the petitioner is in illegal and unauthorized occupation of land measuring 1.02 acres, forming part of Survey No. 259.

4.1 Respondent No. 2 (Punjab Wakf Board) has placed reliance upon General Land Register, Schedule-I, maintained by Cantonment Board to contend that the site in question is recorded as 'Takia Nizamundin Shah; with a mosque, well and agricultural plot round Takia and under the heading nature of holders rights is recorded as 'Old Grant'. It is thus contended that the petitioner is required to get the title clear from the civil court.

5. During the course of hearing of this civil writ petition, it is not disputed by learned counsel appearing for the petitioner that in the conveyance deed (Annexure P-1), the extent of area of bungalow No. 59, Jalandhar Cantonment (which concededly forms a part of Survey No. 261) is not mentioned.

5.1 Respondent No. 1 (Defence Estate Officer, Jalandhar Cantonment), has stated that according to their record, the area of land falling in Survey No. 261 (bungalow No. 59) of the petitioner is only 1.65 acres and not 2.61 acres, as claimed by the petitioner. Respondent No. 1 (Defence Estate Officer, Jalandhar Cantonment) has further clarified that they had already conveyed to the petitioner to submit admission deed as regards the area of Survey No. 261 to be 1.65 acres and in case she is claiming something over and above the same, she can agitate her claim independently before the appropriate forum, however, the same has not been done.

5.2 Even respondent No. 2 (Punjab Wakf Board) has placed reliance upon General Land Register maintained by the concerned

department in respect of Survey No. 259, which adjoins bungalow No. 59 (Survey No. 261), the relevant extracts of which read as under :-

“SCHEDULE I  
(See Rule 3(1))

General Land Register, Jullundur Cantt. Main Station Page 42.  
Survey Number 259 Volume III Reference GLR Volume 1936 Page 22

<u>MUTATIONS</u>												
Details and date of mutation and initials of Military Estates Officer	Subsidiary Survey Number	Area		Subscription	Class	By whom managed	Landlord	Holder of occupancy rights	Nature of holders right	Rent payable per annum of to lease		Remarks
		Volume & page of register	Acres Sft.							Central Govt.	Cantt. Board	
1	2	3	4	5	6	7	8	9	10	11	12	13
			3.15 Ac	Takkia Nijam-Ud-Din Shah with a mosque, well and agricultural plot round Takkia	8.3	MED	G. of I.	Sher-Mohd Ali-Mohd. Etc.	Old Grant	-	-	The agricultural piece of land has been held by the occupiers of Takkia long before 1883 free of rent. There is no authority available except a vernacular Robkar dated 8.11.83 allowing them to cultivate the land on the condition that the crops do not affect the sanitation.”

6. Having considered the matter, it is evident that the conveyance deed, relied upon by the petitioner, does not contain the details of area of bungalow No. 59, which forms a part of Survey No. 261. As per the records of General Land Register, the area of Survey No. 261 (bungalow No. 59) is stated to be 1.65 acres, which was duly intimated to the petitioner, vide letter dated 12.02.1992 (Annexure P-6), the relevant extracts of which read as under :-

“Sub:- Mutation of Bungalow No. 59 Survey No. 261  
Jalandhar Cantonment.

*Reference your Letter No. CQAFE/PC/RNG/MEO dated the 04<sup>th</sup> Feb. 1992. It has been observed that a lot of correspondence has taken place between us on the subject matter but you have not been able to submit the admission deed so far. This office has conveyed its requirement for carrying out the mutation vide our letter No. JRB-59/304 dated 26 May, 1988 addressed to your mother Smt. Viran Wali. As mentioned by you in your above referred letter all documents submitted to us including sale deed of conveyance were submitted to our higher authorities for consideration. It was only after consideration of all aspects of the case by higher authority that our requirements for carrying out mutation were conveyed to you vide our letter dated 26 May 1988. It has been time and again clarified to you that as per GLR of this office Bungalow No. 59 Survey No. 261 consists of only 1.65 acres area which was an evacuee property vested to Rehabilitation Department after partition of the country. The Rehabilitation Deptt. could not sell or auction greater rights than the evacuee had in the property. However, if by mistake they have done so, it is not binding on this office and Deptt. We have to go by our records. It is for your information that records and works of Rehabilitation Deptt. has now been entrusted to respective collector (Deputy Commissioner/DM) of the State. It has already been informed to you in past that the additional land of 1.02 acres which you have submitted having been purchased from the Rehabilitation Deptt. forms part of survey No. 259. The Secy. Punjab Wakf Board Ambala Cantt. has confirmed to us in writing that the land measuring 3.15 acres under survey No. 259 is still a Wakf property under their management and in regard to conveyance deed submitted by you they have to say that it is illegal and wrong and you may seek proper remedy in the court of law. The submission of Wakf Board is in conformity*

*with the record maintained by this office.*

2. *It is therefore suggested in your own interest that :-*

(i) *Smt. Viran Wali may submit an admission deed in respect of 1.65 acres of land of Bunalow No. 59 Survey No. 261 as advised vide our office letter No. JRB-59/304 dated 26 May, 1988 so that we may carry out mutation in respect of above area.*

(ii) *As regards additional land of 1.02 acres, which is in fact part of survey No. 259 and under the management of Wakf Board, you may take up the matter with Rehabilitation Department and Punjab Wakf Board. After getting the matter settled with them a proposal for 1.02 acres of land may be submitted separately to us for consideration of the Government of India, Ministry of Defence.*

4. *We have made the stand of the Government of India very clear to you. We are of the opinion that no fruitful purpose will be served by your repeating the same thing again and again. We hope you will now respond as advised above.*

*Sd/-*

*Defence Estate Officer,  
Jalandhar Circle,  
Jalandhar Cantt.”*

7. Here, it would be apposite to refer to judgment rendered by Hon'ble the Supreme Court of India in '**Union of India and others Versus Robert Zomawia Street**', (2014) 6 SCC 707, wherein after placing reliance on the earlier decision of the Supreme Court in '**Union of India Versus Ibrahim Uddin**', (2012) 8 SCC 1484, it was held that the entries made in the GLR (General Land Register) maintained under the

Cantonment Land Administration Rules is conclusive evidence of title. In this connection reference needs to be made to paragraph 10 of the decision in case of **Robert Zomawia** (supra); which is as follows:

*"10. We have given our thoughtful consideration to the rival submissions and plea of Mr. Parasaran that entries made in the GLR are the conclusive proof of title commend us and the decisions relied on clearly support his contention. In the case of Ibrahim Uddin (supra), relying on the decision of Kamla Verma (supra) and Chief Executive Officer v. Surendra Kumar Vakil, 1999 (2) RCR (Civil) 411 : (1999) 3 SCC 555, this Court has observed that "it is settled legal position that the entries made in the General Land Register maintained under the Cantonment Land Manual Rules are conclusive evident of title". We respectfully concur with this view. ...."*

8. Considering the above, since according to the record of General Land Register, the area of Survey No. 261 is stated to be 1.65 acres, it can be safely concluded that the area of bungalow No. 59, Jalandhar Cantonment is 1.65 acres and not 2.61 acres, as claimed by petitioner.

9. In view of what has been discussed above, I find no merit in this writ petition and the same is accordingly, dismissed.

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

(HARSH BUNGER)  
JUDGE

31.07.2025  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No