



RSA-786-1998 (O&M)

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

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RSA-786-1998 (O&M)
Reserved on:-13.10.2025
Date of Decision : 14.10.2025

Ram Kumar (since deceased) through LRs and Others Appellants

VERSUS

State of Haryana and others Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. S.N.Chopra, Advocate with
Mr. Rakesh Chopra, Advocate for the appellants.

Mr. Vaibhav Sharma, AAG Haryana
for respondents No.1 and 2 – State

Mr. Pavan Malik, Advocate
for respondents No.3 to 5 and 7.

Respondent No.6 proceeded against *ex-parte*
Vide order dated 11.08.1998.

Respondents No.8 to 10 proceeded against *ex-parte*
vide order dated 25.09.2025

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MANDEEP PANNU, J.

1. The present Regular Second Appeal has been filed by the appellants—plaintiffs challenging the judgment and decree dated 21.02.1998 passed by the learned Lower Appellate Court, whereby the judgment and decree dated 24.03.1993 passed by the learned Trial Court decreeing the suit of the plaintiffs was reversed.

2. The plaintiffs—appellants, namely Nihal Singh, Ram Kumar, Chhotu Ram and Munshi Ram, sons of Narain, filed a suit against the defendant No.1-State of Haryana, through the Collector, Sirsa, defendant No.2-SDO (Civil)/Allotment Authority, Sirsa and private respondents/ defendant no. 3 to 7.

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3. The suit was one for permanent injunction, restraining the defendants from dispossessing the plaintiffs or resettling tenants in respect of the suit land measuring 73 kanals 18 marlas, without following due process of law as prescribed under Sections 14(1), 16(2) and 16(5) of the Haryana Ceiling on Land Holdings Act, 1972 (hereinafter referred to as “the Act”).

4. The plaintiffs also sought a decree for declaration to the effect that the orders dated 17.01.1984, 15.05.1984, and 04.06.1987, passed respectively by the Allotment Authority, Sirsa, the Collector, Sirsa, and the Commissioner, Hisar Division, Hisar (Camp at Sirsa), were illegal, void, and not binding on their rights.

Brief Facts

5. The plaintiffs pleaded that they are the recorded owners of the suit land to the extent of 316/495 shares, but they were neither heard nor summoned before the passing of the allotment order dated 17.01.1984 by the Allotment Authority (defendant No.2). In that order, the defendant No.2 assessed the value of the suit land to the tune of ₹5,676.45 as per Annexure ‘Ka’. However, the share of the plaintiffs was wrongly shown as 75 shares instead of 316 shares, as is clear from the Jamabandi for the year 1984–85. It was further alleged that the value of the suit land was assessed in the absence and at the back of the plaintiffs, without issuing the mandatory notice in Form VII as required under Section 16(2) of the Act. Hence, the said order was claimed to be illegal, void, and not binding upon their rights. Similarly, orders dated 15.05.1984 passed by the Collector, Sirsa, and 04.06.1987 passed by the Commissioner, Hisar Division, Hisar (Camp at Sirsa) in appeal and revision respectively, were also challenged on identical grounds of being without jurisdiction, against law and facts, and violative of principles of natural justice. It was further alleged that the defendants were resettling tenants on

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the basis of the impugned orders and were threatening to dispossess the plaintiffs from the land in dispute. Despite repeated requests not to proceed, the defendants remained adamant, which constrained the plaintiffs to approach the Civil Court for redressal.

6. Defendants No.1 and 2 (State of Haryana and SDO (Civil)/Allotment Authority, Sirsa) appeared and filed written statement taking several preliminary objections, inter alia, that the Civil Court had no jurisdiction to entertain the suit in view of Section 26 of the Haryana Ceiling on Land Holdings Act, 1972, and Section 25 of the Punjab Act, the suit was bad for want of notice under Section 80 CPC. The suit had been filed without impleading the allottees as necessary parties. The plaintiffs had not approached the Court with clean hands, and the suit was not maintainable in the present form. On merits, it was averred that the suit land was declared surplus by the order of collector dated 07.03.1983. The land thus vested in the Government, and the allotment of the same was duly made on 17.01.1984 to eligible persons according to law. It was stated that the allotment proceedings were conducted after hearing all concerned persons and that the plaintiffs had no concern with the land which was declared surplus in the hands of Har Lal. It was further stated that possession of the land had already been delivered to the allottees vide Rapat Roznamchas Nos. 270, 273, 274, 277, and 278, dated 10.05.1984, 11.05.1984, and 11.07.1984, respectively. The compensation had been determined on the basis of Mutation No.316 dated 25.11.1982, wherein the share of the plaintiffs was shown as 75/495, not 316/495. Hence, the provisions of Section 16(2) of the Act were fully complied with, and the impugned orders were perfectly legal and binding on the plaintiffs. It was also contended that there was no

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necessity to issue notice under Section 14(1) of the Act because the father of the plaintiffs himself had surrendered the surplus land into the pool.

7. Defendants No.3 to 7 i.e private respondents, on the other hand contended that the suit was not maintainable. The plaintiffs had no locus standi to file the present suit, and the mandatory provisions of the Act had been fully complied with while allotting the suit land to them. They prayed for dismissal of the suit with costs, contending that all three revenue authorities i.e the Allotment Authority, Collector, and Commissioner had decided the matter strictly in accordance with law.

8. Replications were filed by the plaintiffs, reiterating the stand taken in the plaint and denying the allegations raised in the written statements.

9. On the basis of the pleadings of the parties, the learned Trial Court framed the following issues for adjudication:

1. Whether impugned orders dated 17.01.1984, 15.05.1984, and 04.06.1987, passed respectively by the Allotment Authority, Collector, and Commissioner, are wrong, illegal, void, and liable to be set aside on the grounds mentioned in the plaint? OPP
2. Whether the Civil Court has no jurisdiction to try the present suit? OPD
3. Whether the suit is bad for want of notice under Section 80 CPC? OPD
4. Whether the suit is bad for non-joinder of necessary parties? OPD
5. Whether the suit is not maintainable in the present form? OPD



6. Whether the plaintiffs have not approached the Court with clean hands; if so, to what effect? OPD
7. Relief.
10. In support of their case, the plaintiffs produced oral as well as documentary evidence. The following documents were tendered on record:
- Ex. P1 – Jamabandi for the year 1984–85;
- Ex. P2 – Jamabandi for the year 1974–75;
- Ex. P3 – Copy of order dated 04.06.1987;
- Ex. P4 – Copy of order dated 15.05.1984;
- Ex. P5 – Copy of order dated 17.01.1984.
11. The defendants, besides leading oral evidence, produced the following documentary evidence:
- Ex. D1 – Copy of order dated 09.10.1980 vide which land was declared surplus.
- Ex. D2 – Copy of order of collector, Sirsa dated 07.03.1983 in appeal filed by Narain, father of plaintiff.
- Ex. D3 – Application by father of plaintiff dated 28.02.1983.
- Ex. D4 – Mutation no. 316 showing share of plaintiffs as 75/495 dated 07.11.1982.
- Ex. D5 – Copy of order of allotment dated 17.01.1984 by allotment authority.
- Ex. D6 to Ex. D9 – Copies of Rapat Roznamchas.
- Ex. D10 and Ex. D11 – Further related documents concerning possession and allotment.

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Ex. D12 – Copy of order dated 15.05.1984, by Collector, Sirsa against order dated 17.01.1984 in appeal filed by sons of Narain;

Ex. D13 – Copy of order dated 04.06.1987 by commissioner, Hisar against order dated 15.05.1984.

Findings of the Learned Trial Court

12. The learned Trial Court, while deciding Issue No.1, observed that the plaintiffs examined PW1, who categorically deposed that they were owners in possession of the suit land to the extent of 316/495 shares and that before the allotment of the surplus land vide order dated 17.01.1984, no notice or opportunity of hearing was given to them by the authorities concerned. It was further stated that the allotment proceedings were undertaken without any partition of the land and, therefore, the orders passed by the Allotment Authority, Collector, Sirsa, and Commissioner, Hisar Division, were illegal and not binding on their rights. On the other hand, DW1, Mahla Singh, Patwari, appeared for the defendants and deposed that the suit land had been declared surplus in the hands of Narain vide order dated 09.10.1980 (Ex.D1) and that Narain was allowed to select his reserved area by order of the Collector dated 07.03.1983 (Ex.D2). The record regarding selection of the surplus land was placed on file as Ex.D3, and according to the witness, once the land was declared surplus, the plaintiffs had no concern with the same, their share being only 75/495 and not 316/495, as reflected in Mutation No.316 (Ex.D4). It was further stated that the allotment had been made after due proclamation i.e. Munadi, proved by Rapat Roznamcha Ex.D11, and that all the impugned orders were valid and binding. Learned trial Court further observed that although the learned Government Pleader argued that as notice had been given through Munadi, the plea of non-service of notice was untenable, but this contention is not

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acceptable as the plaintiffs had specifically denied having received any notice and that even if such a Munadi was issued, the same could not be treated as a valid notice under Section 16(2) of the Haryana Ceiling on Land Holdings Act, 1972. The Court reproduced the said statutory provision and observed that it was mandatory on the part of the competent authority to give a clear fifteen days' notice in Form VII appended to the Act before assessing the value of the land. Thus, the fixation of valuation was made in the absence and behind the back of the plaintiffs, rendering the order of the Allotment Authority void and non-binding. From the Jamabandi for the year 1984–85, the Court found that the plaintiffs were indeed recorded as owners of 316/495 shares, whereas Mutation No.316 (Ex.D4) reflected their ownership only to the extent of 75/495 shares, thereby showing that the Allotment Authority had failed to consider the correct ownership and compensation entitlement of the plaintiffs due to non-hearing. The entire process, therefore, stood vitiated. The Trial Court concluded that the orders of the Allotment Authority, Collector, and Commissioner were not sustainable in law and liable to be set aside as illegal, void, and not binding on the rights of the plaintiffs.

13. While deciding issue No. 2, relating to jurisdiction of the Civil Court, the learned Trial Court held that though Section 26 of the Act bars the jurisdiction of the Civil Court, such bar cannot apply where the authorities have acted in excess of jurisdiction or in violation of mandatory provisions of the statute. Since the authorities had failed to serve statutory notice and had assessed valuation without hearing the plaintiffs, their actions were without jurisdiction, and therefore, the Civil Court was competent to entertain the suit. The Court again referred to Vinod Kumar's case to reinforce that where statutory procedure or natural justice is violated, jurisdiction of the Civil Court to set aside such orders remains intact.

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14. The remaining issues were also decided in favour of the plaintiffs and against the defendants. Consequently, the suit was decreed vide judgment and decree dated 24.03.1993, declaring that the impugned orders dated 17.01.1984, 15.05.1984, and 04.06.1987, passed by the Allotment Authority, Collector, and Commissioner respectively, were illegal, void, and not binding on the rights of the plaintiffs and were accordingly set aside. The defendants were restrained from allotting the land or resettling tenants thereon without complying with the provisions of Sections 14 and 16 of the Act, meaning thereby that any fresh allotment could only be made in due process of law. The Court also recorded a finding that possession of the suit land remained with the plaintiffs, as their testimony to that effect was unrebutted and DW1 had been unable to specify who was in actual possession. The Rapat Roznamchas (Ex.D6 to Ex.D10) relied upon by the defendants were found to be mere paper transactions, not evidencing actual delivery of possession. On these findings, the suit was decreed with costs in favour of the plaintiffs.

15. Feeling aggrieved by the judgment and decree dated 24.03.1993 passed by the learned Trial Court decreeing the suit of the plaintiffs, an appeal was preferred by the defendants—State of Haryana through the Collector and SDO (Civil) having the powers of the Allotment Authority, arraying the private defendants as proforma respondents

Findings of the Learned Lower Appellate Court

16. The learned Lower Appellate Court, after hearing learned counsel for the parties and examining the record, proceeded to reappraise the findings recorded by the Trial Court. At the very outset, the learned Government Pleader contended that the Trial Court had completely ignored a material aspect of the case namely,

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the consent given by the father of the plaintiffs, Narain, before the prescribed authority. The Lower Appellate Court noticed that Narain son of Ramjas had, on 28.02.1983 (Ex.D-3) , moved an application before the Prescribed Authority, Surplus Area, Sirsa, voluntarily declaring his surplus land and expressing consent to surrender land measuring 73 kanals 18 marlas, as described in his application Ex.D3. It was further observed that even at the time of the passing of the allotment order by the Allotment Authority on 17.01.1984, Munadi (public proclamation) was duly effected in the village, which fact was specifically recorded in the order of the Prescribed Authority, Sirsa, Ex.D5.

17. The Lower Appellate Court held that the land declared surplus and subsequently allotted was the same land which originally belonged to Narain, the father of the plaintiffs, and that the plaintiffs, being his successors, could not now challenge the validity of those proceedings, particularly when their father himself had consented to surrender the said land to the surplus pool. The Court further observed that Mutation No.316 (Ex.D4) was duly sanctioned and recorded in the revenue record, reflecting the share of the plaintiffs as 75/495 and not 316/495 as claimed by them. The plaintiffs had repeatedly urged that no notice had been given to them before assessing the value of the land, but a perusal of the Rapat Roznamcha (Ex.D11) clearly showed that Munadi was effected in the village and the prescribed authority had taken action in accordance with the provisions of law.

18. The learned Lower Appellate Court also held that the orders passed by the Collector, Sirsa, and the Commissioner, Hisar Division, Hisar, were legally valid and in conformity with law, and that full opportunity had been afforded to the concerned parties as required under Section 16(2) of the Haryana Ceiling on Land Holdings Act, 1972. It was further noticed that the plaintiffs had only 75/495

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shares as per the revenue record, and therefore, they could not derive any advantage or claim higher ownership when their father had already surrendered the land. The Court emphasized that once the land was declared surplus and vested in the State, the Prescribed Authority was competent to allot the same to eligible allottees, who were subsequently put in possession through Rapat Roznamchas Ex.D6 to Ex.D11. It was held that the plaintiffs were no longer in possession of the suit land after the allotment and had produced no revenue record to establish their continued possession.

19. In this background, the learned Lower Appellate Court held that the Trial Court committed a grave error while deciding Issue No.1, as the findings recorded therein were contrary to the material on record and ignored the valid proceedings conducted by the revenue authorities. The Lower Appellate Court also held that the jurisdiction of the Civil Court stood barred under Section 26 of the Haryana Ceiling on Land Holdings Act, 1972, since the land had been declared surplus and the statutory authorities had acted within their competence. It was observed that the Civil Court had exceeded its jurisdiction in entertaining and decreeing the suit despite an express statutory bar, and that the plaintiffs, having already availed of the remedies of appeal and revision before the Collector and Commissioner, could not invoke the Civil Court's jurisdiction to question the legality of the orders passed by the competent tribunals.

20. In view of the above discussion, the Lower Appellate Court held that the findings of the Trial Court on Issues No.1 and 2 were erroneous and unsustainable, and accordingly, the same were reversed. The appeal was accepted, and the judgment and decree dated 24.03.1993 passed by the Trial Court were set aside.

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21. Feeling aggrieved by the aforesaid judgment and decree dated 21.02.1998 passed by the learned Lower Appellate Court, the present Regular Second Appeal has been filed by the plaintiffs–appellants before this Court.

22. Upon notice, respondents No.1 to 5 and 7 chose to contest the appeal whereas respondents No. 6 and 8 to 10 were proceeded ex-parte.

23. Learned counsel for the appellants has contended that the impugned judgment and decree passed by the learned Additional District Judge reversing the well-reasoned findings of the Trial Court are illegal, without jurisdiction, and against the facts and evidence on record. It is argued that the learned Lower Appellate Court has erred in ignoring the material documentary evidence, particularly Ex. P1, the Jamabandi for the year 1984–85, which clearly records the share of the plaintiffs as 316/495. The Trial Court, after considering this revenue entry, had rightly held that the plaintiffs were owners to that extent. However, the learned Additional District Judge failed to record any finding as to under what authority of law the said share was reduced to 75/495 through Mutation No.316 (Ex. D4). It is submitted that the said mutation was entered and sanctioned behind the back of the plaintiffs, without notice or opportunity of hearing, and as such, it carries no evidentiary value. Learned counsel for the appellants has further argued that a mutation in the revenue record does not confer or extinguish ownership rights, it being merely an instrument for fiscal purposes, and, therefore, reliance placed by the Lower Appellate Court on Ex. D4 to diminish the plaintiffs' ownership share was misplaced and unsustainable in law.

24. On the other hand, learned counsel for the respondents has argued that Ex. D4, i.e., Mutation No.316, was duly sanctioned and reflected in the official revenue record, showing the plaintiffs' share as 75/495. It is submitted that this



mutation was never challenged by the plaintiffs before any competent forum, nor was any evidence produced to show that the same was illegally entered. Once the certified copy of a sanctioned mutation stood exhibited, the burden shifted upon the plaintiffs to establish that the entry was erroneous or obtained without authority, which they failed to do. Hence, the learned Lower Appellate Court was justified in relying upon Ex.D4, as it represents the correct and existing position, and there is nothing on record to discredit its authenticity or legality.

25. After considering the rival contentions and perusing the record, this Court finds no illegality in the reliance placed upon Mutation No.316 (Ex. D4). The said mutation correctly reflects the share of the plaintiffs as 75/495, which corresponds to the earlier proceedings culminating in the declaration of surplus land by the competent authority and the voluntary consent given by their father, Narain. The plaintiffs have neither challenged this mutation before the revenue authorities nor led any cogent evidence to prove that the same was wrongly sanctioned. In view of the settled position of law that entries in revenue records, unless rebutted by credible evidence, are presumed to be correct and valid, the finding of the learned Lower Appellate Court based on Ex. D4 cannot be said to suffer from any legal infirmity. Moreover this plea was taken by plaintiffs before the Appellate Authority/Collector, Sirsa and was dealt with in the proper forum. The Civil Court cannot sit as an Appellate Court over the impugned order dated 15.05.1984 (Ex.D-12) passed by the Collector, Sirsa, which was affirmed in impugned order dated 04.06.1987 (Ex.D-3) passed by the Commissioner, Hisar. Therefore, this Court is of the considered opinion that the mutation in question is correct and depicts the true share of the plaintiffs in the suit land.



26. Learned counsel for the appellants has further contended that the mandatory provisions of Section 16(2) of the Haryana Ceiling on Land Holdings Act, 1972, have not been complied with. It is urged that under the said provision, it is the bounden duty of the prescribed authority to issue notice to all persons known to have any interest in the land, including the landowners, tenants, or any other interested persons, on the basis of the entries in the revenue record or otherwise, before assessing the amount payable. Since, as per the Jamabandi for the year 1984–85 (Ex. P1), the plaintiffs were recorded as owners to the extent of 316/495 shares, they were necessary parties within the meaning of Section 16(2), and notice to them was mandatory before the fixation of compensation. Learned counsel submits that the Trial Court had specifically recorded a finding that DW1 admitted in his cross-examination that there was neither any order sheet nor any order regarding issuance of the mandatory 15 days' notice to the plaintiffs under Section 16(2). The learned Lower Appellate Court, however, did not contradict or even discuss this categorical finding. It is further argued that the reliance placed by the Lower Appellate Court on Ex. D3, the alleged application filed by Narain, father of the plaintiffs, declaring the land surplus, is misconceived and amounts to non-application of mind. The filing of such an application by the big landowner did not absolve the prescribed authority of its statutory obligation to issue an advance 15 days' notice to the affected persons before assessing compensation. Counsel also submits that the Trial Court rightly held that the alleged notice recorded vide Rapat No.128 dated 04.01.1984 was not for 15 days, as it was only for 07.01.1984, and further, the said notice was addressed to the tenants and not to the landowners, who had a direct interest in the land. Hence, the finding of the Lower Appellate Court that Munadi was effected as mentioned in Ex. D5 (order dated 17.01.1984) is



based on an erroneous appreciation of record, as the mere recital of Munadi in the order cannot substitute for the mandatory service of notice under the Act. According to the appellants, the burden lay heavily on the defendants to prove the fact of actual Munadi through independent evidence, which they failed to discharge, and in the absence of such proof, the presumption of compliance with Section 16(2) could not be drawn.

27. Learned counsel for the respondents, however, has refuted the above submissions and argued that the land in question did not belong to the plaintiffs in their individual capacity but was the land of their father, Narain, who had himself voluntarily surrendered the same as surplus. It is pointed out that the land was declared surplus vide Ex. D1 dated 09.10.1980, and the Collector's order (Ex. D2) as well as the application Ex. D3, filed by Narain, clearly show that he had selected the very land to be declared surplus. Once the big landowner himself participated in the proceedings and consented to surrender the land, there was no requirement in law to issue a separate notice to his sons, who merely claim through him. It is further submitted that the order declaring the land surplus (Ex. D1) was never challenged by the plaintiffs or their father either before the competent revenue authorities or even in the present proceedings. The orders of the Collector and Commissioner (Ex. D-12, D-13) passed in appeal, were all contested by the plaintiffs. The plaintiffs, who participated in those proceedings , cannot now reopen or question those concluded proceedings on the ground of want of notice.

28. Respective contentions of learned counsel for the parties considered. The material on record clearly establishes that the land in question was originally owned and held by Narain, the father of the plaintiffs, and that the foundational order declaring the land as surplus was passed by the prescribed authority on

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09.10.1980 (Ex. D1). Thereafter, Narain, as the owner, filed an application dated 28.02.1983 (Ex. D3) selecting the reserved area, thus the sequence is that the land was first declared surplus and subsequently the owner participated in the selection process of reserved area. Significantly, the principal order declaring the land surplus, Ex. D1, has not been challenged by the plaintiffs in the present civil suit and continues to stand on record.

29. It is further evident from the record that the orders (Ex.D-12 & D-13) now impugned in this suit are the very orders which were the subject matter of appeals or revision filed by the plaintiffs, before the Collector and the Commissioner. The plaintiffs contested those proceedings and, on the record, lost at all stages. Although the plaintiffs plead that their father transferred the land in their favour, the record does not disclose the date when such transfer was effected. All the pleas taken by the plaintiffs in the present suit regarding non issuance of notice of 15 days and reducing their share and amount of compensation being inadequate were considered by the appellate revenue authorities and decided against the plaintiffs. Here comes the bar of section 26 of the Act which reads as follows:-

“26. BAR OF JURISDICTION. — (1) No Civil Court shall have jurisdiction to —

(a) entertain or proceed with a suit for specific performance of a contract for transfer of land which affects the right of the State Government to the surplus area under this Act; or

(b) settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial



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Commissioner, the Commissioner, the Collector or the Prescribed Authority.

(2) No order of the Financial Commissioner, the Commissioner, the Collector or the Prescribed Authority made under or in pursuance of this Act shall be called in question in any Court.”

30. Relying on the above statutory bar under section 26 of the act, learned counsel for the respondents submits that the relief sought in the plaint namely, a declaration that the orders passed by the prescribed authority, the Collector and the Commissioner declaring land surplus, assessing compensation and making allotments are illegal and void, squarely falls within the prohibition of sub-section (1)(b) and sub-section (2) of Section 26. It is argued that once the land has been declared surplus and the prescribed authority has acted under the Act, the matter becomes one exclusively triable by the statutory forums, and a Civil Court cannot reopen or sit in appeal over those determinations. Reliance is placed upon the judgment of the Hon'ble Supreme Court in ***Devinder Singh and others v. State of Haryana and another, 2006 (3) RCR (Civil) 491***, wherein it was held that when an area is declared surplus and allotted by the prescribed authority under the Ceiling Act, a civil suit challenging such orders is not maintainable in view of the statutory bar. The Supreme Court affirmed that all disputes regarding surplus area, allotment and possession must be agitated only before the authorities designated by the Act, whose orders attain finality unless set aside in the statutory hierarchy.

31. Learned counsel for the appellants, on the other hand, contends that the bar contained in Section 26 is not absolute. It is argued that in the present case the mandatory procedure under Section 16(2) was not followed, as no valid notice was issued to the plaintiffs, who were recorded as owners to the extent of 316/495



shares. Consequently, the order determining compensation was passed behind their back, rendering it void ab initio. According to the appellants, where the impugned orders are patently without jurisdiction and have been passed in violation of mandatory provisions of the Act and of principles of natural justice, the Civil Court can step in to protect the rights of affected persons. In support of this proposition, reliance is placed upon the Full Bench judgment of this Court in *State of Haryana v. Vinod Kumar, 1987 RRR 81*, which held, while interpreting Section 25 of the Punjab Security of Land Tenures Act, 1953 (a provision analogous to Section 26 of the Haryana Act), that where the landowners had not been afforded an opportunity of hearing as required by Rule 6 of the Rules framed thereunder, the order was a nullity and could be challenged in a Civil Court despite the statutory bar. On the same analogy, it is contended that the present suit, based upon denial of hearing and non-service of notice, was maintainable before the Civil Court.

32. Upon consideration of the rival submissions and the statutory scheme, I am of the view that the contention of the respondents merits acceptance. Section 26 of the Act is couched in clear and comprehensive language. Sub-section (1)(b) forbids the Civil Court from “settling, deciding or dealing with any matter” which the Act requires to be determined by the prescribed authorities, while sub-section (2) further prohibits any order of those authorities from being “called in question in any court.” The legislative intent is unmistakable to confer exclusive jurisdiction upon the special tribunals constituted under the Act and to preclude parallel proceedings in the Civil Court. In the present case, the land was declared surplus vide order dated 09.10.1980 (Ex.D1), followed by the selection application of Narain (Ex.D3), and the subsequent appellate and revisional orders were all passed by the competent authorities under the Act. The plaintiffs participated in those



proceedings and contested the matter up to the revisional stage, where they remained unsuccessful. Those statutory orders have attained finality. The challenge now raised by them in the Civil Court amounts to a collateral attack upon the very proceedings that Section 26 seeks to protect from re-litigation.

33. The reliance placed by the appellants upon *Vinod Kumar's case* is misplaced. The Full Bench recognised a limited exception where the authority's action is wholly without jurisdiction or taken in total denial of natural justice. However, as held by the Supreme Court in *Devinder Singh's case (supra)*, that exception cannot be enlarged to permit civil suits merely on allegations of procedural irregularity once the competent authority has acted within its statutory domain. In the case at hand, the proceedings were directed against the recorded owner, Narain; statutory machinery was duly invoked. The orders impugned are not nullities but decisions within jurisdiction. Hence, the Civil Court had no jurisdiction to entertain or adjudicate the present suit. The learned Lower Appellate Court was therefore correct in reversing the finding of the Trial Court and in holding that the suit was barred by Section 26 of the Haryana Ceiling on Land Holdings Act, 1972.

Conclusion

34. No other point was agitated by the learned counsel for the plaintiffs. This Court comes to the conclusion, in view of the above discussion and the material on record, that the findings recorded by the learned Lower Appellate Court suffer from no infirmity either in law or on facts. The record clearly demonstrates that the land was declared surplus by the prescribed authority vide order dated 09.10.1980 (Ex.D1). Thereafter, Narain, the father of the plaintiffs, himself participated in the proceedings by filing an application dated 28.02.1983



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(Ex.D3) selecting the reserved land. The orders of the Allotment Authority, Collector and the Commissioner were passed in due exercise of statutory powers, after considering the matter in detail, and those orders have attained finality. All the pleas taken by plaintiffs in present suit were considered by the above said authorities while passing impugned orders. The plaintiffs, cannot reopen or challenge the same proceedings before the Civil Court, whose jurisdiction is expressly barred under Section 26 of the Haryana Ceiling on Land Holdings Act, 1972. Moreover, the revenue record, particularly the Rapat Roznamcha (Ex.D11), clearly indicates that possession of the surplus land had been duly delivered to the allottees in accordance with law, thereby completing the process under the Act. There is no evidence on record to suggest that the plaintiffs continue in possession or that any illegality occurred in the delivery of possession. Consequently, this Court finds no ground to interfere with the well-reasoned judgment and decree dated 21.02.1998 passed by the learned Additional District Judge, whereby the suit of the plaintiffs was dismissed as barred by jurisdiction and devoid of merit.

35. The present Regular Second Appeal is, therefore, dismissed, and the judgment and decree of the learned Lower Appellate Court are hereby upheld.

36. Pending application(s), if any, also stands disposed of.

October 14, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No