IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-2900-2024 (O&M)
Date of Decision : 22.12.2025

Zile Singh (since deceased) through LRs ....Appellants

VERSUS

State of Haryana and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE MANDEEP PANNU

Present: Mr. Ramesh Hooda, Advocate for the appellants.

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MANDEEP PANNU, J (Oral).

1. The present regular second appeal has been filed by the appellants–plaintiffs against the respondents–defendants challenging the judgment and decree dated 14.02.2018 passed by the learned Civil Judge (Senior Division), Jhajjar in Civil Suit No.246/2012, as well as the judgment and decree dated 31.08.2023 passed by the learned Additional District Judge, Jhajjar in Civil Appeal No.CA-126-2018, whereby the suit filed by the plaintiffs for permanent and mandatory injunction has been dismissed and the appeal thereagainst has also been rejected.

Brief Facts

2. Briefly stated, the facts of the case are that the plaintiff Zile Singh claimed himself to be owner in possession of agricultural land measuring 137 kanals 3 marlas situated within the revenue estate of village Dighal, Tehsil Beri, District Jhajjar. Out of the said land, land measuring 1 kanal 1 marla comprised in Rectangle No.228, Killa No.21/1 (1-14) is the subject matter of the present suit. The plaintiff pleaded that he was owner in possession of the said land since the time of consolidation and had inherited the same from his forefathers.

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3. It was averred that in the year 2006, Award No.7 dated 18.05.2006 was announced for acquisition of land for Dighal Link Drain, pursuant to which land measuring 1 kanal 1 marla out of the suit land was acquired and compensation amounting to Rs.2,35,265/- was paid to the plaintiff. The plaintiff asserted that the remaining land continued to be owned and possessed by him and that no other person had any right, title or interest therein.

4. According to the plaintiff, subsequently defendant no.3 reported that the acquired land did not fall in the ownership of the plaintiff and on the basis of such report, Farad Badar No.60 dated 12.12.2011 was sanctioned by the Circle Revenue Officer, whereby revenue entries were altered. Consequent thereto, notices dated 26.03.2012 and 17.04.2012 were issued to the plaintiff calling upon him to deposit the compensation amount earlier paid to him. The plaintiff pleaded that the said Farad Badar and the notices issued pursuant thereto were illegal, null and void, having been passed without issuing any notice or granting opportunity of hearing to him and that the Circle Revenue Officer had no authority to change consolidation record under the garb of correction.

5. On these averments, the plaintiff filed the present suit seeking permanent injunction restraining the defendants from interfering in his possession and from alienating the suit land, along with a mandatory injunction directing the defendants to cancel Farad Badar No.60 and restraining them from recovering the compensation amount from him.

6. The defendants contested the suit by filing written statements. Defendants no.1 to 3 took the stand that the land acquired in the year 2006 did not belong to the plaintiff and that the compensation had been wrongly paid to him. Defendant no.4 and his legal representatives claimed ownership over the acquired

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land and asserted that Farad Badar No.60 was validly sanctioned to correct erroneous revenue entries.

6. From the pleadings of the parties, the following issues were framed:-

1. Whether the plaintiff is entitled to a decree of declaration and mandatory injunction as prayed for?

2. Relief.

7. The parties have led both oral and documentary evidence in support of their pleadings.

Findings of The Trial Court

8. The learned trial Court, upon appreciation of the pleadings, oral evidence and documentary record, decided Issue No.1 against the plaintiff and held that the plaintiff failed to prove his ownership and lawful entitlement over the suit land comprised in Rectangle No.228, Killa No.21/1. The Court found that although the plaintiff had received compensation for acquisition of land measuring 1 kanal 1 marla pursuant to Award No.7 dated 18.05.2006, the revenue record and documentary evidence clearly established that the said land actually belonged to defendant no.4 and that the plaintiff's name had been wrongly entered due to a clerical error in the revenue entries. The trial Court relied upon Farad Badar No.60, jamabandis, mortgage documents and official correspondence to conclude that the correction carried out by the revenue authorities was only to rectify an erroneous entry and did not amount to alteration of consolidation record. It was further held that the plaintiff, despite having knowledge that he was not the owner of the acquired land, had wrongfully received compensation and thereafter instituted the suit to restrain recovery of the same. The Court also noticed material cuttings and overwritings in the revenue record and held that the plaintiff could not take advantage of a wrong entry. Consequently, the plaintiff was found not entitled to

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the relief of declaration or injunction, and the suit was dismissed while leaving the parties to bear their own costs.

Findings of the Lower Appellate Court

9. The learned lower appellate Court, after reappreciating the pleadings, evidence and record, affirmed the findings of the trial Court and held that the correction effected through Farad Badar No.60 dated 12.12.2011 was lawful and within jurisdiction, as it merely rectified an erroneous revenue entry and did not amount to alteration of the consolidation record. The appellate Court accepted the admission of the plaintiff that there existed an error in the revenue record and further observed that even after the correction, the plaintiff continued to be owner in possession of his remaining land measuring 137 kanals, thereby suffering no prejudice. It was specifically held that the land comprised in Rectangle No.228, Killa No.21/1 measuring 1 kanal 14 marlas belonged to defendant no.4 as per the consolidation record, and the compensation had been wrongly paid to the plaintiff due to a clerical mistake. The appellate Court concluded that the revenue authorities were competent to correct such mistake and that the suit had been rightly dismissed by the trial Court. Consequently, the appeal was dismissed and the judgment and decree of the trial Court were upheld.

10. The present Regular Second Appeal has been filed challenging the concurrent judgments and decrees passed by the learned trial Court dated 14.02.2018 and the learned lower appellate Court dated 31.08.2023, whereby the suit filed by the plaintiff–appellant has been dismissed.

Findings of this Court

11. A perusal of the plaint shows that the suit was framed as one for permanent injunction restraining the defendants from interfering in the alleged possession of the plaintiff over the suit land and for mandatory injunction

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restraining the defendants from alienating the suit land. However, in substance, the plaintiff has sought to challenge the notice dated 26.03.2012 issued by the revenue authorities requiring him to deposit the compensation amount received by him in the land acquisition proceedings, on the premise that the compensation was rightly paid to him. Such a challenge to the notice and to the consequential action of the revenue authorities could not have been effectively adjudicated in a simpliciter suit for injunction. If the plaintiff was aggrieved by the notice demanding refund of compensation or by the correction of revenue entries, the proper remedy was to seek appropriate declaratory relief or to avail remedies available under the relevant revenue or acquisition laws. The suit, as framed, was therefore inherently misconceived.

12. This Court further finds that the question whether the compensation was rightly awarded to the plaintiff or whether the land acquired actually belonged to him involves adjudication of title and legality of revenue entries, which could not be decided in a suit confined to injunction. The points sought to be raised by the plaintiff regarding entitlement to compensation were beyond the scope of the present suit and have rightly not been accepted by both the Courts below.

13. Equally significant is the requirement, in a suit for permanent injunction, that the plaintiff must establish lawful and actual possession over the suit property on the date of institution of the suit. From the pleadings, evidence and findings recorded by both the Courts below, it clearly emerges that the plaintiff failed to prove his possession over the suit land. On the contrary, the record demonstrates that the suit land stood recorded in favour of defendant no.4 as per the consolidation record and that the plaintiff had received compensation only due to an erroneous revenue entry which was subsequently corrected. The plaintiff's own admissions show that even after the correction, he continued to own and

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possess his remaining land measuring 137 kanals, thereby negativing any claim of possession over the suit land in question.

14. This Court has independently examined the material on record and finds that the concurrent findings recorded by the Courts below are based on proper appreciation of evidence and correct application of law. The findings do not suffer from any perversity or legal infirmity warranting interference.

Conclusion

15. In view of the above discussion, this Court is satisfied that the present appeal is devoid of merit. Accordingly, the Regular Second Appeal is dismissed in limine.

16. Pending applications, if any, also stand disposed off.

December 22, 2025 **(MANDEEP PANNU)**
tripti **JUDGE**

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

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