

CWP No.16405 of 1995

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

CWP No.16405 of 1995
Date of decision: 29.01.2015

Jhanda Singh

....Petitioner

Versus

Financial Commissioner, Revenue, Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Gaurav Chopra, Advocate, and
Mr. Anurag Chopra, Advocate, for the petitioner.
Dr. Deepa Singh, Addl. A.G., Punjab.

PARAMJEET SINGH, J. (ORAL)

Reply on behalf of State of Punjab, filed in Court today, is taken on record.

Instant writ petition has been filed for quashing the order dated 27.12.1990 (Annexure P-2) passed by Collector Agrarian, District Ferozepur, order dated 09.04.1992 (Annexure P-3) passed by Commissioner, Ferozepur Division, Ferozepur and order dated 13.12.1994 (Annexure P-5) passed by Financial Commissioner, Revenue, Punjab.

Brief facts of the case are that Puran Singh, who happened to be husband of respondent No.3, was a big landlord. Vide order dated

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22.09.1970 under the Punjab Security of Land Tenures Act, 1953, his area measuring 15 SAs 13-1/4 units was declared surplus. Possession of the surplus area was never taken from the landlord. Petitioner purchased land measuring 29 kanals 16 marlas from respondent No.3 through registered sale deed dated 10.04.1978 (Annexure P-1). Collector Agrarian rejected the objections filed by the petitioner and issued notice to the petitioner for surrendering possession of the land measuring 9 kanals 15 marlas. Petitioner claims to be bona fide purchaser of the land and submits that he has not been heard before taking the possession.

It is settled principle of law that no one can be condemned unheard. In view of the affidavit filed by the State today, even as on date petitioner is in possession of the land in question, which means that land has never been utilized by the State.

Learned counsel for the petitioner submits that matter is squarely covered by the judgment of this Court rendered in ***CWP No.5815 of 1991*** titled ***Kuldip Singh and another v. The Financial Commissioner (Appeals), Punjab and another*** decided on 28.11.2011. Learned counsel for the State also does not dispute the fact that ratio of law laid down in ***Kuldip Singh*** (supra) is applicable to the facts of the present case.

In view of above, impugned orders are set aside. Case is remanded to the Collector Agrarian for fresh determination. Petitioner shall also be heard before determination of the surplus land.

Parties through their counsel are directed to appear before the

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Collector Agrarian on 23.2.2015, which is now stated to be falling in the area of District Fazilka.

Disposed of in above terms.

(Paramjeet Singh)
Judge

January 29, 2015
R.S.