

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

Date of decision:09.03.2015.

Darshan Singh

.....Petitioner

v.

Financial Commissioner, Revenue Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.SK Sandhir, Advocate for the petitioner.
Mr.V.Ramsarup, Addl.AG Punjab for respondents 1 to 5

Jaswant Singh,J.(Oral)

Darshan Singh has filed the present writ petition under Article 226 of the Constitution challenging the order dated 12.5.1999 (P-2) passed by the Tehsildar Sales, Balachaur-respondent no.5 whereby an area of 47K out of 60K described in the application situated in Village Paragpur was allotted to applicant-Mohinder Singh son of Ajaib Singh being in possession of surplus land of the village and confirmed vide order dated 30.4.2001 (P-3) by Sales Commissioner, Balachaur-respondent no.4; further challenge is to the order dated 21.2.2002(P-4) passed by Collector-cum- Chief Sales Commissioner, Nawanshahar-respondent no.3 upholding the order passed by respondent no.4 while dismissing the appeal of Darshan Singh and to the order dated 16.8.2004 (P-5) passed by Commissioner, Jalandhar Division dismissing the revision filed by the petitioner

Darshan Singh. Next challenge is to the order dated 10.8.2010 (P-6) as well as order dated 19.3.2013 (P-7) passed by the Government whereby the second revision as well as review against the initial allotment has been dismissed.

Having heard learned counsel for the petitioner at length, this Court finds no ground to interfere with the findings of fact recorded by the authorities below.

The plea that the father-Ajaib Singh of the respondent-applicant Mohinder Singh had failed to show his possession in his civil suit no.413 of 16.6.1985 for permanent injunction against the present petitioner, does not advance the case of the petitioner at all. It has nowhere come on record as to how the present petitioner Darshan Singh had ever come into possession of the land in question. No doubt in the decree dated 11.4.1986(P-1) Darshan Singh petitioner has been accepted to be in possession from the crop *Hari* 1983 to *Sauni* 1984, it does not rebut the fact that at the time of allotment to Mohinder Singh, who was not party to the previous suit, it has been recorded in Annexure P-2 that the applicant Mohinder Singh was in possession prior to the year *Sauni* 1994. It has been further noticed by the Sales Commissioner that applicant Mohinder Singh was a member of the Scheduled Caste community and as per certificate dated 23.1.1992 issued by the SDO(Civil)Balachaur was a permanent resident of Village Paragpur and thus was eligible to be allotted land in his possession as per Government policy. It is further apparent that the

possession of Mohinder Singh since then has been continuous and as per Government policy since *Sauni* 1984 the allotment has been made to the applicant Mohinder Singh. Therefore, the plea that in the year 1986 for a shortwhile Darshan Singh was shown to be in possession pales into total insignificance.

In view of the above, no ground to interfere with the impugned orders is made out.

Dismissed.

09.03.2015.
joshi

(Jaswant Singh)
Judge