

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

**Date of decision:06.04.2015.**

Rajeshwar Pal Singh

.....Petitioner

v.

State of Haryana and others

.....Respondent

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH**

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

**Jaswant Singh,J.(Oral)**

Petitioner owned two large chunks of land, one in Village Daroli, District Ferozepur and the other in Village Siswal, District Hisar. The petitioner chose his permissible area under the Punjab Security of Land Tenures Act, 1953 in Village Daroli, District Ferozepur and an area of 31.¾ standard acres, 57-80 ordinary acres was declared surplus in Village Siswal, District Hisar vide order dated 30.12.1963 passed by the Special Collector, Punjab and the petitioner accepted the order. However, the tenants on the land in Village Siswal, District Hisar went in appeal on the ground that they had purchased 199.55 ordinary acres out of total land holding of 272 ordinary acres (as on 15.4.1953) and therefore, the same could not be declared as surplus and the Commissioner vide order dated 9.4.1968 remanded the case. Collector, Surplus Area, Hisar vide order dated 19.5.1971(P-5) after

deducting the land purchased by the petitioner measuring 199.55 ordinary acres declared 72.72 ordinary acres as tenants permissible area and thereby recording that there was no surplus land of the land owner to be declared as surplus. The said order was never challenged by the land owner/petitioner and had attained finality. It transpires from the records that the said 72.72 ordinary acres/tenants permissible area was never purchased by the tenants/utilised and thus by operation of law under the provisions of Section 12(3) of the Haryana Ceiling of Land Holdings Act, 1972 automatically vested in the State. However, the tenants over the said area continued to pay rent to the petitioner. The petitioner filed an application under Section 9 read with Section 14(A-1) of Punjab Security of Land Tenures Act in Form L before Assistant Collector, Hisar on 24.9.2009 for eviction of the tenants for non payment of rent. The tenants took up the plea that the petitioner/landowner was not owner of the land measuring 72.72 ordinary acres and therefore, he could not claim land and prayed for dismissal of the application in Form L. The Assistant Collector Ist Grade, Hisar vide interim order dated 3.4.2012 dismissed the application of the tenants since it could not decide the issue of surplus or title. The tenants filed revision against the interim order before the learned Commissioner, Hisar Division, who vide impugned order dated 23.4.2013(P-6) forwarded the revision to Financial Commissioner, Haryana under Section 84(3) of the Punjab Tenancy Act, 1887 for decision on three points. The Financial

Commissioner, Haryana vide order dated 1.4.2014(P-7) decided the reference on three points and held that the petitioner/landowner had no right to claim since the land in dispute vested in the State. The possession of the tenants was held to be unauthorised with a direction to take appropriate action for eviction as also against guilty officials. It was also ordered that tenants be ejected after following due course of law. Hence the present writ petition by the land owners impugning orders at Annexures P-7, P-6 and P-5.

On the previous date of hearing, this Court was prima facie of the view that in the light of provisions of Section 33(2) (ii) of the Haryana Ceiling on Land Holdings Act, 1971 the surplus area determined in the pending proceedings under the Punjab Security of Land Tenures Act, 1953 had to be finalised under the 1953 Act only and therefore, no re-determination under the Haryana Ceiling on Land Holdings Act, 1971 was available. The matter was got adjourned to cite case law.

At the time of hearing today, learned counsel for the petitioner prays for permission to withdraw the present writ petition with liberty to file a fresh one after annexing all the required orders/documents.

Dismissed as withdrawn with liberty aforesaid.

06.04.2015.  
joshi

**(Jaswant Singh)**  
**Judge**