

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 27109-CII of 2014 in/and
FAO No. 1417 of 2013 (O/M)
Date of decision : 31.3.2015

Sh. Vikram Singh, Karta Verinder and Vikram HUF Appellant

Versus

The Collector, Sector 12, Urban Estate, Karnal and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Appellant in person.

Mr. Gaurav Goel, Assistant A.G. Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

CM No. 27109-CII of 2014

Prayer in this application is for placing on record
Annexures-A-1 to A-3.

Annexures-A-1 to A-3 are taken on record.

Application is accordingly disposed of.

Main Case

Appellant has filed this appeal against the order dated
17.1.2013, passed by the learned Additional District Judge, Karnal,
vide which his contempt petition under Section 39 Rule 2(A) CPC
was dismissed.

The facts of the case are that plaintiff (appellant herein) filed a suit before the learned Additional Civil Judge, Senior Division, Karnal, for declaration to rectify the land record as per the provisions of Hindu Succession Act, 1956. Further prayer was made to incorporate the family agreements dated 20.1.2005 and 2.1.2002 qua ancestral property in revenue record. A relief of permanent injunction was sought regarding restraining the defendants from making any changes in the record of rights qua the suit property till the decision of the case. The Collector, Karnal, Tehsildar, Karnal and Ms. Nimrata Dewan, sister of the plaintiff/appellant, were made the defendants. Alongwith the suit, an application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC was also filed, which was dismissed by the learned Civil Judge, Junior Division, Karnal, vide order dated 8.10.2005. The plaintiff/appellant preferred an appeal before the learned Additional District Judge, Karnal, who vide order dated 7.6.2006, directed the defendants to maintain status quo about creating any change in the land register with respect to the suit property till the decision of the suit.

It is claimed in the application filed under Order 39 Rule 2(A) CPC that despite the said status quo order, State Government, Haryana, started the process to acquire the land and later on transferred the land to Haryana State Industrial Development Corporation (in short 'HSIDC') after issuing notice under Section 4 of

the Land Acquisition Act. This was done despite the status quo order. According to the plaintiff/appellant, the said status quo order has been violated.

The learned Additional District Judge, Karnal, did not agree with the plea of the plaintiff/appellant and recorded the following findings :-

“7. After hearing the submissions made by the applicant and learned counsel for the respondents and on perusal of the order passed by the competent court, this Court is of the opinion that no order passed by the competent court on 7.6.2006 has been violated by the respondents. The applicant did not interpret the court order in the right perspective because the said status quo order was passed qua the share in the suit property inter-se between the three legal heirs i.e. the family members of the applicant. No such change has been made by the revenue authorities with regard to share inter-se among the family members. The respondents have not created any change in the land register inter-se among the family members. The process to acquire the land by the State Government is a different cause of action. Therefore, the present application filed by the applicant is not maintainable against the respondents. In case the applicant has any grievance qua the land acquisition proceedings, he has specific remedy to file objection before the Land Acquisition Officer but certainly he cannot get any relief from this court qua the orders, if any, passed by the land Acquisition Officer in which the process to acquire the land of the plaintiff and other co-

owners have been initiated by the State Government. Hence, in view of this court, no disobedience or violation of any order has been made by the respondents. Hence, the application filed by the applicant-plaintiff has no merit and the same is dismissed.”

The plaintiff/appellant has challenged the said findings.

I have heard the appellant in person, learned Assistant Advocate General for the State and have also carefully gone through the record.

The plaintiff/appellant himself has pointed out that his suit for declaration and injunction has been dismissed by the learned Additional Civil Judge, Senior Division, Karnal, vide judgment dated 19.8.2014, on the ground that the land has been acquired. However, it is also not disputed that the plaintiff/appellant has preferred an appeal against the said judgment.

A perusal of the facts of the case shows that in this case primarily the dispute was regarding the inheritance and the plaintiff/appellant wanted that the disputed property should be recorded inherited in a particular way as per the family settlement and the same should be reflected in the revenue record.

I agree with the findings of the learned Additional District Judge, Karnal, that the proceedings under the land acquisition are entirely different. The status quo was regarding the controversy qua change of land record regarding inheritance and in no way can be extended to assume that even the land acquisition proceedings

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authenticity of this document

could not be initiated by the State Government. The land acquisition is an independent process. There were no averments in the plaint that the State is going to start land acquisition proceedings and the same should also be stopped. It being so, I do not find any fault with the impugned order dated 17.1.2013, passed by the learned Additional District Judge, Karnal.

Consequently, the appeal is dismissed.

(KULDIP SINGH)
JUDGE

31.3.2015
sjks