

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.416 of 2015 (O&M)
Date of Decision: March 20, 2015

Joginder Singh and others

.....Appellants

versus

Financial Commissioner, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Gurcharan Dass, Advocate,for the appellants

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1. *Whether Reporters of 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?*

Surya Kant, J. (Oral)

This letters patent appeal impugns the order dated 08.01.2015 whereby learned Single Judge has dismissed two writ petitions containing rival claims in respect of a highly valuable land measuring 243 kanals, situated in district Ludhiana. The appellants' claim pertains to 98 kanals out of the above-mentioned land.

[2] Learned Single Judge while dismissing both the writ petitions has upheld the order passed by the Financial Commissioner (Revenue), Punjab, and has in the interest of justice, issued further directions to submit a compliance report within one month, besides directing the Government authorities or the courts below not to entertain any claim

regarding the subject land without prior permission of this Court.

[3] Suffice it to mention here that the appellants' claim was that they have illegally encroached upon the above-mentioned land and on the strength of their hostile adverse possession, they had applied and are entitled to its allotment under the Government Policy. The Sales Commissioner, Ludhiana, accepted such a claim but on being challenged by the opposite group, the Financial Commissioner (Revenue) intervened in the matter and has set-aside the same.

[4] The claim of rival group, on the other land, was based upon the fact that the subject land was originally allotted to one Ram Chand on 14.05.1986 in lieu of the land abandoned by him in Pakistan but that allotment was set-aside by the Sales Commissioner, Ludhiana while accepting the claim of appellants on the basis of their so called cultivating illegal possession. Ram Chand or his legal representatives never came forward but one alleged Power of Attorney holder of Ram Chand continued to pursue the allotment claim even after the death of Ram Chand in the year 1994.

[5] The facts would speak for themselves that both the groups lacked bonafide and had vulture's eyes on a highly valuable piece of land. The intervention by Financial Commissioner (Revenue) to save the public property going into the hands of appellants through unauthorized means, has not been rightly interfered by the learned Single Judge. We are informed that the Deputy Commissioner, Ludhiana, in compliance to the directions issued by the learned Single Judge, has already taken possession of the land, may be in part. Needless to say that the Deputy Commissioner, Ludhiana,

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shall comply with the directions and submit a report to that effect before the learned Single Judge.

Dismissed.

[SURYA KANT]
JUDGE

March 20, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE