

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 3954 of 2009 (O&M)
Date of Decision : 27.09.2016

Phool Singh and others

....Appellants

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Dr. Parveen Hans, Advocate
for the appellants.

Mr. R.T. Redhu, DAG, Haryana

Mr. Ajit Sihag, Advocate
for respondents no. 8 to 16 and 18 to 20.

Surinder Gupta, J.

This is appeal against concurrent judgments of Courts below whereby suit filed by plaintiffs-appellants for declaration that they are in possession of 82 *kanals* 4 *marlas* of land, as fully described in the headnote of plaint and defendants-respondents have no concern with the same, was dismissed. They claimed themselves to be *bona fide* purchasers of suit land for consideration vide sale deed dated 18.07.1969, registered on 21.07.1969. Plaintiffs also challenged order passed by Allotment Authority and the allotment proceedings whereby the land was allotted to predecessor-in-interest of defendants no. 2 to 6 and defendant no. 7 and consequent alienation, mutations etc.

2. Plaintiffs have purchased suit land from Girdhari son of Jwala vide sale deed registered on 21.07.1969 (Ex. P-1). It was surplus land of Girdhari.

3. Learned counsel for appellants has raised issue that plaintiffs

are *bona fide* purchasers of suit land. However, he could not continue with this submission after perusal of the sale deed, which prescribed that suit land was surplus land of Girdhari and he had undertaken to indemnify the vendees for any portion of suit land which goes out of their share in surplus proceedings. Learned counsel for appellants has further argued that suit land was allotted to predecessor-in-interest of defendants no. 2 to 6 and defendant no. 7 without notice to plaintiffs, as such, allotment made in their favour was not valid and consequent transfers made by them are illegal and void.

4. Above argument of learned counsel for appellants has no merit as admittedly the land after being declared surplus vests in the State, which could allot the same as per its policy. Plaintiffs had purchased suit land with full knowledge that it had been declared surplus and surplus proceedings were pending and it was so recorded in their sale deed. They had no right to be associated with the allotment of surplus land by the State as per its policy. Submissions by learned counsel for appellants to this effect have no merit, as such, discarded. .

5. No other argument has been advanced.

6. On perusal of judgments of Courts below, I find no legal or factual infirmity therein calling for any interference. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

September 27, 2016

jk

(SURINDER GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No