

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 4837 of 2016
Date of Decision: March 15, 2016**

Satbir Singh Sangha

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. C.L. Verma, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside directions dated 30.11.2015 (Annexure P/9) issued by respondent no.3 – Tehsildar (Sales), Balachaur to the revenue officials for cancellation of allotment/sale deed executed to the father of the petitioner way back in the year 2008 under the provisions of the Punjab Package Deal Properties (Disposal) Act, 1976 (hereinafter referred to as the “Act”) on the basis of alleged possession.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently contended that the petitioner has been allotted rural evacuee agricultural land by the Government and he has remained in continuous possession thereof as a lessee and has been regularly paying rent for more than 10 years. The same was allotted to him under Section 4 of the Act as per the instructions dated

26.09.2007. Learned counsel further contends that this Court has issued notice of motion and has passed a status quo order in similar writ petition being C.W.P. No. 25855 of 2015 and other similar writ petitions are also stated to be pending.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Admittedly, as per details given in Annexure P/9 at page 79 of the paper book, the land was allotted to various persons under the policy instructions dated 26.09.2007. Said policy has been held to be illegal and as such, set aside by a Division Bench of this Court in **L.P.A. No. 402 of 2012 titled “Mohinder Singh vs. State of Punjab and others”**, decided on **30.11.2012** and directions have been issued to cancel all such allotments. Unauthorized people cannot be encouraged to be made owners merely because they have forcibly or otherwise taken possession of the land of the Government. Hon'ble Supreme Court in **Jagpal Singh and others vs. State of Punjab and others (2011) 11 SCC 396**, has also held that such allotment of land to such persons in unauthorised occupation of Government land is wholly illegal and without jurisdiction. Such illegalities cannot be regularized by the Government. It has been held that the common interest of the villagers cannot be permitted to suffer merely because the unauthorized occupation has subsisted for many years.

So far as the contention that this Court has issued notice of motion and status quo order has been passed in some of similar cases is concerned, the decision of Division Bench in LPA No. 402 of 2012- Mohinder Singh vs. State of Punjab and others, setting aside the said policy instructions was not brought to the notice of this Court in the said cases.

Registrar (Judicial) is directed to ensure that copy of this order and order passed by the Division Bench of this Court in LPA No. 402 of 2012 – Mohinder Singh vs. State of Punjab and others, decided on 30.11.2012 as well as judgment of Hon'ble Supreme Court in **Jagpal Singh's case** (supra) are placed on the files of all similar matters for reference of the Bench.

In view of **Mohinder Singh's case** (supra) as well as **Jagpal Singh's case** (supra), I do not find any justification to interfere in the impugned order passed by the authorities canceling allotment made in pursuance of policy dated 26.09.2007.

Dismissed.

Court on its own motion

The perusal of true translated and vernacular copies of jamabandi for the year 2010-11 (Annexure P/6) reveals that computerized jamabandi has been prepared by the Punjab Land Record Society in which the number of columns in the jamabandi has been reduced to 8, the material column nos.9 and 11 which were earlier existing as per Para 7.40 of the Punjab Land Revenue Manual are missing. Form of Jamabandi under Rule 72 of the Punjab Land Rules has been prescribed wherein 12 columns have been mentioned. In this regard no amendment appears to have been made in the Punjab Land Revenue Manual. Column no.9 – “Rent paid by cultivator, rate and amount” which is very material and determines the capacity of the persons who are shown in cultivation column no.5, has been deleted. Column no. 11 – “Demand with detail of revenue and cesses” has also been deleted. This column is material for determining jurisdiction, court fee and other important issues including applicability of law relating to partition.

The State appears to be proceeding to prepare computerized revenue record without looking into the consequential effects of deletion of these columns. The deletion of these columns from jamabandi will certainly affect the rights of owners and tenants etc. This Court takes suo motu notice to this effect and issues notice to (1) State of Punjab through Chief Secretary, (2) The Financial Commissioner, Revenue, Punjab, (3) Director, Land Records, and (4) Punjab Land Record Society, returnable for 30.03.2016.

On the asking of this Court, Mr. S.S. Chandumajra, Additional Advocate General, Punjab, accepts notice on behalf of the above noticees.

The Financial Commissioner, Revenue, Punjab and other noticees are directed to file specific affidavits as to how and why the number of columns in the jamabandis has been reduced.

March 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge