

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

-:-

**L.P.A No. 1105 of 2016 (O&M)
Date of Decision: 24.08.2016**

Babu Ram

..... Appellant

Vs.

State of Haryana & Ors.

.... Respondents

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN**

Present: - Mr. Amarjit Singh, Advocate, for the appellant.

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of learned Single Judge passed on 27.05.2016. The appellant filed a petition for correction of khasra girdawari with the allegation that Bishan Dass his father was in cultivating possession of the land in dispute as a tenant at Will/Hissa Bill Mukta @ 150/- per year and after his death the appellant entered into possession as a tenant and has been cultivating the land, thereafter.

The learned Single judge noticed that under Chapter IX of the Punjab Land Records and Administration Mannual, the Khasra Girdawaris are prepared on the basis of crop inspection. Three times in the presence of the parties inspection was done on the land and it was found to be infested with 'sarkandas', dirty stagnated water and surrounded by industrial and residential area. The land was described as Banjar Qadim/Jadid in the revenue records.

During the course of appeal, the learned counsel for the

appellant strenuously denied the inspection reports and contended that the entire truth has been suppressed. We in order to substantiate the truth, passed an order dated 04.07.2016 pursuant to which Tehsildar Panipat was mandated to inspect the spot and give his report. In pursuance of the order dated 04.07.2016, Tehsildar has submitted his report which shows that the land is uncultivated. Tehsildar has reported that he visited the spot on 04.07.2016 and he with number of people whose presence was recorded the spot was inspected. According to the report in Khasra Nos. 3291 old trees such as Peepal, Neem etc are present. This area is densely residential and industrial. There is no source of irrigation to this portion of the land and infact there was no cultivation at all. In khasra Nos.3265/4 to 3291, which are at substantial distance from each other there is a pakka path way and in some vacant portion, there are old trees such as peepal and Neem. In this portion also there is no facility for irrigation and the land is incapable of being cultivated. Similarly, he has recorded that Khasra Nos. 3271/2, 3270/1, 3270/7, 3277/2, 3278/2 were also inspected and the land was found to be having deep pits and rampant growth of grass, from which it is certified that the land has never been cultivated. To conclude, it is stated that even information was sought from the neighbours, but they also stated that in this land there has never been any cultivation. This is a clear finding of fact. The appellant now disputes this report even though this exercise was undertaken merely as a concession to the appellant with a stipulation that if his assertion is found incorrect he shall be burdened with exemplary cost of Rs.1 lac. It may be noticed that the appellant had willingly submitted himself to this. Now, once the Tehsildar has reported against

him, he cannot be permitted to wriggle out of the situation by disputing the same once again, particularly when three attempts had already been made, which were noticed by the learned Single Judge in the impugned judgment. We are, thus, of the view that the appeal deserves dismissal as there is serious dispute of facts which is revealed from various reports of the spot inspection.

Consequently, we do not find any merit in the appeal and the same is dismissed, accordingly. However, we would not insist the appellant to deposit Rs.1 lac as mandated in the order dated 04.07.2016.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

August 24, 2016
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Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No