

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

LPA No. 449 of 2016 (O&M)
Date of decision : April 06, 2016

Satbir Singh SanghaAppellant

Versus

State of Punjab and others Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

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

Mahesh Grover, J.

This appeal is directed against the judgment of learned
Single Judge dated 15.03.2016.

The case of the appellant is that he was allotted rural evacuee agricultural land by the Government of which he has been in continuous possession as lessee for more than 10 years and in terms of policy dated 26.09.2007 issued by the Government and Section 4 of the Punjab Package Deal Properties (Disposal) Act, 1976 (hereinafter referred to as an 'Act'), this land was allotted to him pursuant to which conveyance deed was also executed in the year 2000. This policy was negated by the Hon'ble Supreme Court, which was obviously dictated by a concern that government land was being parted with in favour of unauthorised/illegal occupants in a

clandestine manner. The directions of the Hon'ble Supreme Court were followed by a Division Bench of this Court in LPA No. 402 of 2012 and are extracted herebelow for the purposes of ready reference:-

“ Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. Regularization should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.”

The State embarked upon an exercise to identify these lands to negate the allotments. Notice was issued to the appellant to which he responded resulting in an order impugned before the writ Court (Annexure P-9) where the allotment was cancelled. The writ Court noticed the judgment of the Hon'ble Supreme Court in **Jagpal**

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SCC 396 and LPA No. 402 of 2012 titled **Mohinder Singh versus State of Punjab and others** decided on 30.11.2012 to reject the claim of the appellant.

Before this Court, learned counsel for the appellant contends that the affidavits filed by the State pursuant to the directions given by this Court do not include the required information and, therefore, he would not be covered by the observations of the Hon'ble Supreme Court and this Court. He further contended that he was in authorised possession on the basis of lease pursuant to which he has been regularly depositing the amount and so by no stretch of imagination, he can be termed to be an unauthorised or illegal occupant so as to attract ouster on the aforesaid observations.

To a pointed question put by this Court as to whether he has a lease deed, learned counsel for the appellant could not give any satisfactory response. He could not produce any foundational document to justify his possession. Indeed he has referred to certain receipts but that is also of the year 2007 indicating the deposit of rent for the years 1998-99 to 2006-07. Evidently, these are procured receipts to legitimise his possession to gain benefit of the policy of 2007. No revenue record has been produced from 1998 onwards reflecting justified possession. The only record produced is of the year 2005-06. Therefore, we are of the opinion that the appellant has merely procured records and his plea of being in legitimise possession is absolutely false. We also do not find any justification to interfere particularly when the Hon'ble Supreme Court has set aside

this policy and the Division Bench of this Court while following the observations of the Hon'ble Supreme Court has given further directions pursuant to which cancellation of allotment has taken place. We are also of the opinion that even if the best case of the appellant is to be considered, he would not be entitled to allotment in view of negation of the policy itself by the Hon'ble Supreme Court and at best he could have been reverted back to the status of lessee.

For the aforesaid reasons, we do not find any reason to interfere in the judgement passed by the learned Single Judge.

Consequently, the appeal is dismissed.

(Mahesh Grover)
Judge

(Lisa Gill)
Judge

April 06, 2016
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