

CWP No.20401 of 2017

[1]

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

**CWP No.20401 of 2017
Date of decision:29.09.2017**

Prithi and others ...Petitioners

Versus

State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vivek Khatri, Advocate,
for the petitioners.

Mr. Sandeep Kotla, Advocate,
for respondent nos.5 and 6-caveators.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the orders passed by the Courts below by which they have been ordered to be evicted from the land in question.

In brief, respondents no.5 and 6 filed an application on Form-L in terms of the provisions of the Punjab Security of Land Tenures Act, 1953 and the Punjab Security of Land Tenures Rules, 1956 for seeking eviction of the petitioners from the land measuring 27 kanal 04 marla, situated in the revenue estate of village Mangali Aklan, Tehsil and District Hisar, for not cultivating the said land, without any reason. All the Courts below had found that the land has been kept fallow by the petitioners from Rabi 2012 to Kharif 2014. The order passed by the Sub Divisional Officer (Civil), exercising the power of Assistant Collector 1st Grade, Hisar, dated

03.06.2015 has been concurrently upheld by the Collector vide his order dated 04.08.2015, Commissioner, Hisar Division, Hisar vide his order dated 16.08.2016 and the Financial Commissioner vide his order dated 22.08.2017.

The finding recorded by the Courts below is also to the effect that not only the petitioners have kept the land vacant/fallow continuously for six crops from Rabi 2012 to Kharif 2014, causing loss to the respondent-landlords on account of 1/3rd *batai*, but they have also not paid the 1/3rd *batai* from to the respondent-landlords for the land cultivated in Rabi 2015 (Sarson), Kharif 2015 (Gwar) and Rabi 2016 (Sarson).

Although counsel for the petitioners has vehemently argued that the finding recorded by all the Courts below are incorrect and that the crop was sown but the revenue record shows that the finding recorded by all the Courts below are in accordance with law.

In view thereof, I do not find any reason to interfere in the well considered orders of the Courts below and hence, the present petition is hereby dismissed being denuded of any merit, though without any orders as to costs.

September 29, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No