

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

**CWP No.6097 of 2013**

**Date of Decision.28.02.2017**

Shakti Singh

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Mani Ram Verma, Advocate  
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J.**

The petitioner-Shakti Singh son of Ram Singh, is aggrieved of the impugned orders dated 07.12.2011 (Annexure P-3), 28.08.2009 (Annexure P-2) and 25.03.1994 (Annexure P-1) whereby prayer for declaring the surplus area of legal representatives of Ram Singh has been accepted.

Mr. Mani Ram Verma, learned counsel appearing on behalf of the petitioner submitted that the petitioner and his brothers Sardara Singh, Inder Singh, Rajan Karan, Deputy Singh and their mother Shanti Devi are the legal representatives of Ram Singh (since deceased), alleged big land owner, who unfortunately expired on 25.05.1972. His land was inherited by his widow Shanti Devi and aforementioned five sons. The land situated in village Hisar, Hansi and Bawani Khera by his widow and five sons and the land situated in village Biran was inherited by his five sons by way of a civil court decree dated 06.05.1972. The declaration form was filled in August, 1976 by Inder Singh son of Ram Singh brother of the petitioner and

Shanti Devi was shown to be the head of the family in the declaration form.

Two brothers namely Sardara Singh and Inder Singh were shown major on the appointed date i.e. 23.12.1972 and three others including the petitioner as minors. The land shown to have been owned by all the six aforementioned was 1328 kanals 07 marlas shown equivalent to 1549 kanals 13 marlas of 'C' category. The land situated in village Biran was shown to have been 1124 kanals 1 marla, Bawani Khera 36 kanals 18 marlas, Hisar 140 kanals 2 marlas, Hansi 27 kanals 6 marlas.

In fact, the aforementioned Inder Singh had incorrectly filled the declaration form by showing Shanti Devi as head of the family whereas actually it was Ram Singh, therefore, all the six progenies become independent owners of their shares. The Special Collector, Haryana, Chandigarh vide order dated 25.03.1994 (Annexure P-1) assessed the aforementioned surplus case and by treating Shanti Devi as head of the family, they were granted three units, one for her own and minor sons and two for major sons Sardara Singh and Inder Singh. The aforementioned persons were proceeded ex parte granting three units and declaring 256 kanals 16 marlas 'C' category land as surplus.

The aforementioned order was assailed before the Commissioner initially by the petitioner and his three brothers Sardara Singh, Inder Singh and Raj Karan and legal representatives of fourth brother Deputy Singh indicating therein that Shanti Devi expired on 30.01.1982 and therefore, they were entitled to five units instead of three. The Commissioner vide impugned order dated 28.08.2009 (Annexure P-2) dismissed the appeal and the revision filed against the same also met with the same fate vide order dated 07.12.2011 (Annexure P-3), therefore, all the authorities have committed illegality and perversity by not giving the

benefit of independent proceedings to five brothers and mother at the relevant point of time in respect of three villages, thus, it is in derogation of the judgment rendered by Full Bench of this Court in **Sardara Singh and others Vs. The Financial Commissioner and others 2008(2) RCR (Civil) 744.**

He further submits that amendment of the declaration form can always be done in view of the law laid down by this Court in **State of Haryana Vs. Lakh Ram @ Lekha 2008 Vol.CXLIX PLR 374** and therefore, the appointed date would be 23.12.1972 till which date benefits are available instead of 24.01.1971.

Since Ram Singh expired before 23.12.1972, the petitioner, his brothers and mother would be entitled to benefit of inheritance individually. The permissible area was treated of 'A' category instead of 'C' category. The provisions of sub-section 3 of Section 12 of the Haryana Ceiling on Land Holding Act, 1972 would not be applicable. No reasoning has been given in the order of the Commissioner, much less, Financial Commissioner qua applicability of provisions of Section 12(3) of the aforementioned Act, thus, urges this Court for setting aside of the order under challenge.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no merit and force in the submissions of Mr. Verma. The declaration form filled was never sought to be corrected and amended. The ratio decidendi culled out in the judgment of **State of Haryana Vs. Lakh Ram @ Lekha's case** referred to above would not apply to the present case.

No allegations have been attributed to the brothers for having submitted the incorrect information. The appeal was not only preferred by

the petitioner but all the other legal representatives viz; majors and the minors through their mother.

The authorities below, particularly, the Special Collector had considered the declaration of land of all villages and found that they are entitled to three independent units, keeping in view their status to be majors on the appointed date i.e. 24.01.1971. Even as per the ratio decidendi culled out in Full Bench judgment of this Court in **Jaswant Kaur and another Vs. State of Haryana and another 1977 PLJ 230**, it has been held that after the appointed date, as per the provisions of Section 12 (3) of the 1972 Act, the land vests in the State Government and therefore, the landlord/tenant would not have any right.

In my view, the assessment of the surplus area done by the authorities as per the declaration form filled by legal representatives of Ram Singh is perfectly legal and justified, much less, the orders impugned cannot be said to be passed without jurisdiction. The legal representatives of Ram Singh cannot seek review of the same in the absence of any specific allegation against each other. No ground for interference is made out.

The writ petition stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**February 28, 2017**  
Pankaj\*

Whether speaking/reasoned      Yes

Whether reportable                      Yes