

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

RSA No.1164 of 2013 (O&M)

Date of Decision : 08.08.2018

Balwinder Singh

..... Appellant

Versus

Punjab State through the Collector,
Ludhiana, District Ludhiana.

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Manvinder Dalal, Advocate
for the appellant.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for declaration filed by the appellant.

The appellant had filed a suit for declaration stating that he had been transferred 20 kanal 16 marla of inferior Evacuee land by sale deed dated 24.04.1997. However, in the year 2003 he was surprised to notice that the land had been transferred in favour of the provincial Government and that is how he challenged the same. The respondent-State filed a written statement stating that actually after the transfer of 20 kanal 16 marla land it came to light that earlier also the appellant had got allotted and transferred 53 kanal of inferior Evacuee land on the same basis which he had got transferred in favour of his mother by way of a collusive decree and after this fact came to light an inquiry was conducted on the facts having been ascertained the transfer was cancelled.

Both the Courts below held that the appellant did not file any replication. Even during his testimony he did not explain these facts and consequently suit was dismissed.

Before me the only argument raised by the learned counsel for the appellant is that the order of cancellation was passed without hearing the appellant. Be that as it may. But even before me the appellant has not been able to explain how he had earlier got 53 kanal of land allotted and how he got it transferred in favour of his mother.

In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

08.08.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No