

**CM-2924-LPA-2018
CM-3504-3505 and 3506-LPA-2017 in/and
LPA-1627-2017 (O&M)**

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

**CM-2924-LPA-2018
CM-3504-3505 and 3506-LPA-2017 in/and
LPA-1627-2017 (O&M)
Date of Decision: August 07, 2018**

Dharam Chand and others

.....Appellants

Versus

Financial Commissioner, Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Chanderhas Yadav, Advocate for the appellants.

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SURYA KANT, J.(ORAL)

CM-2924-LPA-2018

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and Annexure AX (Colly) is taken on record.

CM stands disposed of.

CM-3504-LPA-2017

For the reasons mentioned in the application, the same is allowed and delay of 20 days in refiling the appeal is condoned.

CM stands disposed of.

CM-3505-LPA-2017

For the reasons mentioned in the application, the same is

allowed subject to all just exceptions and Annexures A-1 and A-2 are taken

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on record.

CM stands disposed of.

CM-3506-LPA-2017

It is stated that both appellant Nos.1 and 2 had expired during pendency of the writ petition. Their death Certificates are annexed as Annexures A-1 and A-2, respectively.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and legal representatives of appellant Nos.1 and 2, as mentioned in para 2 of the application, are ordered to be impleaded as their LRs. Memo of parties is already on record.

CM stands disposed of.

LPA-1627-2017

This Letters Patent appeal is directed against the order dated 19.05.2017, whereby the learned Single Judge set aside the orders passed by the revenue authorities including the order dated 27.08.1998 of the Financial Commissioner, Haryana and has relegated the appellants to avail the remedy under the Punjab Security of Land Tenures Act or Punjab Tenancy Act or by filing a suit under Section 45 of the Punjab Land Revenue Act.

[2] The controversy pertains to the 'Possessory Rights' as tenants over the agricultural land, situated within the revenue estate of village Nogaon, District Jhajjar, described in para 2 of the writ petition. While the appellants claim to have inherited the tenancy rights qua the land, the respondents are admittedly the land-owners, who too have inherited the

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authorities which the learned Single Judge has set aside, pertain to change of *Girdawari*. Suffice to observe that if a tenant is in continuing possession of the agricultural land and has acquired the occupancy rights, such tenant can seek declaration of 'occupancy rights' under the provisions of Punjab Security of Land Tenures Act (as applicable to Haryana). Similarly, tenancy rights can be well established under the Punjab Tenancy Act as also under the Punjab Land Revenue Act. The entry in revenue record neither confers title nor takes away the tenancy rights, if the same are otherwise established. Learned Single Judge has granted liberty to the appellants to avail such remedies. It goes without saying that if any such petition is filed by the appellants, the authorities/Court concerned shall decide the same uninfluenced of the observations or findings in the impugned orders.

[3] Disposed of.

**(SURYA KANT)
JUDGE**

August 07, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No