

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

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**RSA-1460-2016 (O&M)
Date of Decision : 20.08.2018**

Surat Singh and another

..... Appellants

Versus

Ajit Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. N.C. Kinra, Advocate
for the appellants.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed for declaration filed by the appellants even while issuing an injunction in their favour restraining the respondents from interfering in their possession illegally.

The case of the appellants was that they were occupancy tenants whose possession over the land in dispute was reflected at least from the jamabandi of the year 1955-56 and consequently they were entitled to be declared as owners. The jamabandies from the year 1955-56 to 1971-72 reflected the appellants in possession of the land in dispute as tenants without payment of any rent (on account of making the land cultivable) (Nautod). However, with effect from 1975-76 to 2000-01, the successor jamabandies recorded the appellants as continuing in possession on payment of 1/3rd rent. The case of the appellants was that

the entry of rent in 1975-76 was not made as per the procedure laid down under the Punjab Land Record Manual and consequently those entries had to be ignored. The courts below having rejected this plea the appellants are before this Court.

The same arguments have been raised before me. Counsel for the appellants has relied upon the judgment in the matter of ***Durga (deceased) and others vs. Milkhi Ram and others, 1969 PLJ 105*** to contend that the Supreme Court had held that presumption in favour of changed entries would stand rebutted by the fact that the alteration was made unauthorizedly. It must be noticed that in that case the unauthorized change was in respect of ownership of the land. The whole line of succession had changed. The previous authorities had recorded some other persons as owners and a subsequent entry had changed that ownership without any mutation. In the present case, it was the case of the respondents that even though earlier the appellants were granted land without rent for having made it cultivable yet after 1975-76 they were liable to pay the rent. The second judgment relied upon by the counsel for the appellants is ***Megh Raj vs. Raghbir Singh and others, 1985 PLJ 316***. In this case also, the change of entries was related to change of possession.

In the totality of circumstances, I am not persuaded persuaded that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

August 20, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No