

Labh Singh & othersReview-applicant/appellants

State of Punjab & others ...Respondents

Mr.Shireesh Gupta, Sr.DAG, Punjab.

G.S. SANDHAWALIA, J.

The writ petition was directed against the order dated 07.08.1984, passed by the Commissioner, Patiala Division, which had been allowed in favour of the State, by setting aside the order dated 08.04.1982, passed by the Collector, Agrarian, Malerkotla, Patiala. The said order was, thereafter, upheld by the Learned Single Judge on 08.08.2008, against which the Letters Patent Appeal had been filed.

The LPA had been directed primarily on the ground by placing

RA-LP-132-2013 in LPA-47-2009

reliance upon the Full Bench Judgment in *Ranjit Ram Vs. Financial Commissioner, Revenue Punjab & others 1981 Punjab Law Reporter 259* and the judgment of the Apex Court in *Ujjagar Singh Vs. State of Punjab AIR 1996 SC 2623*. The said judgments pertain to the issue whether possession was taken by the State or not, for the purpose of vesting of the surplus land.

The grouse of the appellants in the review-application primarily is that State had not taken the possession from Arjan Singh, the landowner and that was their case, as per Annexures P-6 to P-14 and on account of their case being decided along with LPA-273-2008, prejudice has been caused to them. Accordingly, the review of the order dated 18.09.2013 is sought.

In the reply filed to the review-application, reference has been made to a report given by the Collector, Agrarian on 12.06.2015 that there was no rapat regarding delivery of possession of the area declared surplus and thus, possession was stated not to have been taken.

In LPA-273-2008, finding has been recorded qua the said landowner that possession was taken and the land was utilized by allotting to various eligible persons. In the present case, in view of the response received in the review-application also and the fact that there were various documents, as such, on the record as Annexures P-6 to P-14 and it is the specific case of the applicants that possession was not taken, the present review-application is liable to be allowed, since it would have to be gone into in each and every individual case as to whether possession had been taken or not by the State after the land had been

RA-LP-132-2013 in LPA-47-2009

declared surplus. Therefore, by disposing of the present case along with another set of cases, error apparent on the face of the record seems to have arisen.

Resultantly, without commenting upon the merits of the case, as such, regarding the order which has been impugned of the Learned Single Judge, present review application is allowed and the order dated 08.09.2013 is recalled.

The present appeal be listed for Regular hearing, as per Roster, before the concerned Bench.

(AJAY KUMAR MITTAL)
JUDGE

(G.S. SANDHAWALIA)
JUDGE

20.04.2018
Sailesh

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*