

137

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

**RSA No.4990 of 2016 (O&M)
Date of Decision: 24.08.2018**

**AJIT RAM @ AJI RAM (DECEASED) TH LRS. RAJABALA ETC
.....Appellants**

Vs

STATE OF HARYANA AND ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shiv Kumar, Advocate
for the appellants.

RAJ MOHAN SINGH, J. (Oral)

[1]. Plaintiffs are in Regular Second Appeal against the concurrent judgments and decrees passed by the Courts below in a suit for declaration and permanent injunction.

[2]. Brief facts are that the plaintiffs filed a suit with a prayer that the *jamabandis* from the year 1967-68 onwards qua the suit land be corrected as the plaintiffs have inherited the property in equal shares qua possessory rights. Plaintiffs were recorded as *Gair Marusi* in possession qua 4 *Kanals* 5 *Marlas* of land. Forefather of the plaintiffs were recorded in possession of the suit property as *Gair Marusi*. Thereafter the plaintiffs came to be recorded in the column of cultivation as *Gair Marusi*. Forefather

of the plaintiffs were paying *Chakota* to the owners of the land.

[3]. Defendants contested the suit and asserted that the ancestors of the plaintiffs were recorded as *Kastkar Gair Marusi* and the land of big land owner namely Surender Kumar was declared surplus on 18.04.1977 and thereafter the same was allotted to the eligible tenants as per Scheme and possession was delivered vide order dated 25.08.2009.

[4]. Both the Courts below have decided the suit against the plaintiff as vesting of land in the State in terms of Section 12(3) of The Haryana Ceiling of Land Holdings Act, 1972 (for short 'the Act') has not been assailed by anyone. The land vested in the 'State' is free from all encumbrances. Thereafter in the Scheme of allotment, the land was allotted to the eligible tenants and possession thereof was also transferred. Even the allotment under the Scheme has not been assailed by the plaintiffs. Plaintiffs' never came forward to stake their claim with regard to allotment on the basis of their alleged tenancy rights.

[5]. After vesting of land in the State under Section 12(3) of the Act, it would be deemed to be vested in State free from all encumbrances. Plaintiffs have not challenged the vesting of land in the State of Haryana as well as Scheme of allotment. No law point worth cognizance is involved in the present appeal, nor the finding recorded by the Courts below are proved to be

on account of misreading of evidence or suffered with any perversity. This appeal is accordingly dismissed in '*limine*'.

August 24, 2018

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No