

**Sr. No.101
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA No.761 of 2016 (O&M)
Date of Decision: 11.07.2018**

Ram Saran

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vijay Rana, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Plaintiff-appellant having remained unsuccessful in both the Courts below is in second appeal before this Court.

Briefly noticed, plaintiff/appellant instituted a suit for possession in respect of the suit land described in the head note of the plaint on the basis of a sale deed dated 20.12.1968 by Gurcharan Singh in favour of Pala Ram (father of the plaintiff/appellant) and for declaration to the effect that the order of Punjab Government declaring the land to be surplus and mutation on the basis of such alleged illegal surplus order and mutation No.579 and 481 dated 09.10.1974 regarding declaration of the surplus amount as illegal null and void and subsequent allotments of the suit land in the name of Piara Singh and mutation sanctioned to be also illegal null and void.

Both the Courts below have non-suited the plaintiff/appellant on the ground that the suit itself was not

maintainable. Section 21 of Punjab Land Reforms Act, 1972 contains an express Bar and the jurisdiction of the Civil Court to adjudicate any question pertaining to an order of declaration of surplus land made by the competent authority is barred. Such provision has been examined by this Court in a catena of judgments and it has been consistently held that jurisdiction of the Civil Court stands barred under Section 21 of the Punjab Land Reforms Act pertaining to any issue raising the validity of an order declaring any piece of land as surplus under the Punjab Land Reforms Act. The remedy with the plaintiff/appellant was to challenge the order declaring land surplus before the competent authority and not by instituting a suit before the Civil Court.

Learned counsel appearing for the plaintiff/appellant is not in a position to rebut such settled position.

The instant second appeal does not raise any question of law much less substantial question of law.

Appeal is dismissed.

Since the main appeal itself has been decided, pending application(s), if any, shall also stand disposed of.

11.07.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No