

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2810-2017 (O&M)
Date of decision: 28.05.2018

Amar Singh (since deceased) through LRs and others ...Appellant

V/s.

Puran now deceased through his LRs ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Surinder Gaur, Advocate for the appellants.

RITU BAHRI, J. (Oral).

The appellant-plaintiff has come up in appeal against the order of trial Court dated 11.03.2013 and of the lower appellate Court dated 08.03.2017 whereby his suit for declaration and possession by way of partition has been dismissed. Both the Courts have given concurrent findings that as per Section 158(2) of the Punjab Land Revenue Act, the order of revenue authorities cannot be challenged in a civil Court.

In the present case, the suit was filed challenging the order dated 03.02.1988 and 02.01.1989 regarding Sanad Taksim, Naksha KH passed by the revenue authorities. Both the Courts have referred to the numbers of judgments on the proposition that such an order passing on an agricultural land has to be challenged before the revenue authorities unless the land is converted in residential plot and houses are constructed thereon.

Since there was no evidence led by the plaintiff to show that the land had been converted to the residential plots and houses had been constructed thereon, the suit of the plaintiff challenging the order passed by ACJ, First grade has been dismissed on the ground of jurisdiction as well as on the ground that he has alternate remedy to file appeal before the revenue

authorities. Another ground for dismissing the suit is that the impugned orders were well within the knowledge of the plaintiff and the suit has been filed in the year 2007 and even on the ground of limitation, it has been dismissed.

No ground to interfere in the order is made out.

Dismissed.

28.05.2018

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No