

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

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**CIVIL WRIT PETITION NO.27939 OF 2019
DATE OF DECISION: SEPTEMBER 27, 2019**

Kartara Ram

.....Petitioner

VERSUS

Financial Commissioner, Haryana, Chandigarh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 08.09.2016 (Annexure P-1) passed by the District Collector, Sirsa, vide which the petitioner has been dismissed from the post of Lambardar of Village Ottu, Tehsil Rania, District Sirsa; order dated 14.12.2016 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar, dismissing the appeal of the petitioner and the order dated 27.03.2018 (Annexure P-3) passed by the Financial Commissioner, Haryana, whereby the revision preferred by the petitioner has also been dismissed on the ground that he is in illegal possession of the Government land and has constructed a residential house on 1 kanal 5 marlas of land through encroachment.

It is the contention of learned counsel for the petitioner that the petitioner, his son and his brother were allotted plots in the harijan colony as per the policy of the Government of Haryana by the Gram Panchayat. He

asserts that there was a family partition, because of which the plot which was allotted to his brother, Shingara Ram, came to his share and the plot, which was owned by father of the petitioner, was also surrendered in his favour. He contends that the plot of the son was also included while constructing the house. He asserts that although as per the revenue record, the land is owned by the Government of Haryana and it is so reflected because of the fact that the plots were allotted by the Government but that does not mean that he has encroached upon the land upon which the house has been constructed by him. He, therefore, contends that the impugned orders cannot sustain and deserve to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the records of the case.

Perusal of the impugned orders would indicate that the petitioner has not been able to substantiate his contentions, which have been raised in this Court as well as before the authorities. Mere assertion of the petitioner is not acceptable, especially in the light of the fact that the provision, if any, was with regard to exchange of plot and did not mean that the petitioner would take possession in excess of the area which was allotted to him. The findings, as recorded by the authorities below on the basis of the revenue record and the report of the Block Development and Panchayat Officer, Rania, who had enquired into the matter and further the demarcation report of Tehsildar, Rania, establish the factum of the petitioner being in possession of the Government land in excess of the plot, which was allotted to him. The orders, therefore, as passed by the authorities, which have been challenged in the present writ petition, cannot be faulted with.

There being no merit in the present writ petition, the same stands dismissed.

**September 27, 2019
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No