

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

(1) RA-CW-369-2018 in CWP-26270-2014

Balwinder Singh & others

...Applicant/review-petitioners

Versus

State of Haryana & others

...Respondents

(2) RA-CW-368-2018 in CWP-15630-2015

Ajit Singh & others

...Applicant/review-petitioners

Versus

State of Haryana & others

...Respondents

Decided on : 15.01.2019

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.B.S.Bedi, Advocate, for the applicant/review-petitioners.

G.S.SANDHAWALIA, J. (Oral)

The applicants seeks review of the order dated 26.09.2018 vide which the writ petitions had been dismissed.

An argument has been raised that the private-respondent No.6-Gokal Chand, the auction bidder had not deposited the amount till the year 2010 and therefore, a vested right, as such, accrued to the petitioners, of the land which had been auctioned in favour of the said respondent, on account of long possession.

It is not disputed that the land measuring 30 kanals 4 marlas had been auctioned in favour of the private-respondent and the objection of Dhari Ram, had been accepted on 11.07.1974. The same had been set aside by this Court in CWP-2402-1975 on 18.11.1982 (Annexure P-3) on the ground that there was no evidence before the Settlement Commissioner to take such action.

It is pertinent to notice that Dhari Ram did not challenge the said order but the State challenged the same and eventually, the LPA was dismissed on 21.11.1990 and the SLP also met the same fate on 11.11.1991. On account of the show cause notices having been issued in July, 2011 to the petitioners, who were in possession of the land, they filed Civil Suit whereby injunction had been declined and eventually, the said orders were upheld by this Court on 03.10.2012 by holding that possession had to be delivered to the auction purchasers and the petitioners had no right or title in the property and therefore, they were not entitled for injunction.

The petitioners then started a fresh round of litigation before the Commissioner (Sales) without raising any such issue, which has now been sought to be argued regarding the vested right of the petitioners on account of their long possession. On the revenue side, the Commissioner and the Financial Commissioner dismissed the appeal and revision filed by the present petitioners and before the present writ petition could be filed, possession was also delivered on 26.11.2014 to Gokal Chand, respondent No.6.

Inspite of the above, the present applications have now been filed, trying to revive a dead case, without having any legal right, as such. During the course of arguments, it transpires that the petitioners are only purchasers from Dhari Ram and therefore, have chosen to purchase the litigation and have no legal vested right, as such, on the land which had been auctioned in favour of respondent No.6, who since 1974, was able to achieve the fruits of litigation only in the year 2014, by getting the

RA-CW-369-2018 in CWP-26270-2014
RA-CW-368-2018 in CWP-15630-2015

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-3-

possession, for the first time.

In such circumstances, no case is made out for review of the order dated 26.09.2018, as the order does not suffer from any error, apparent on the face of the record. Merely because the deposit was made after considerable time, would not, as such, give the petitioners any cause of action, to agitate for the said benefit. Accordingly, in view of the above discussion and in view of the above facts and circumstances, the petitioners have no *locus standi* to question the auction in favour of private-respondent No.6.

Resultantly, finding no merit in the present review applications, the same are hereby dismissed.

January 15th, 2019
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*