

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

**RSA No.647 of 2020 (O&M)**  
Date of decision: 14<sup>th</sup> February, 2020

State of Punjab & others

... Appellants

Versus

Paramjit Singh & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. C.L. Pawar, Sr. Dy. Advocate General, Punjab  
for the appellant/State.

**FATEH DEEP SINGH, J.**

The appellants State of Punjab and others have come up in this regular second appeal thereby challenging the judgment and decree dated 14.05.2018 of the Court of learned Additional Civil Judge (Senior Division), Jalalabad (West), Ferozepur decreeing the suit of the plaintiff (now respondents) and upheld by the Court of learned District Judge, Fazilka which vide impugned findings dated 18.11.2019 dismissed the appeal of the State and upheld the findings of the learned trial Court.

Upon hearing Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab representing the appellants and perusal of the records.

The undisputed facts are that land bearing khasra Nos.508/1 (0-13) and 508/2 (2-10) detailed in the suit is owned by the plaintiffs who all claim to be co-sharers and in cultivating possession of the same. The present appellants (then defendants) carved out a metalled road through

this land without either acquiring the same under the law or paying any compensation in lieu of it. The plaintiffs filed a suit which was decreed and which findings were upheld by the learned first appellate Court.

What one can decipher and is even fairly conceded by the learned counsel for the appellants/State, there is nothing suggestive either documentarily or in the evidence that the appellants had any right over the land measuring approximately 8-10 Marlas. In the impugned findings of the learned trial Court and so the learned first appellate Court, it has been clearly held that this land was the ownership of the plaintiffs and the courts in their anguish have remarked in the impugned findings that recalcitrant attitude of the officials of the defendants rather indicate that none of them wanted to take responsibility as if they knew within the hearts of their hearts that without acquiring the private property, they have constructed a road through it.

This is not the first time this Court has come across such a peculiar situation where the State, which is supposed to be the repository of the law and order and coming to the aid of its citizens protecting their rights to life, liberty and property, has made all out efforts to ensure that they are robbed of the same. The case is in itself reflective of the apathy of the persons responsible for defending this case on behalf of the State and rather the conduct of these officials, be it the defendant/department or the legal cell responsible for conduct of the case on behalf of the Government, is more of deliberate rather than inadvertent, culpable one.

It would not be off the cuff to remark that in decongestion of cases in the courts, greater responsibility lies on the shoulders of the Government, be it the Central or the States, which are big litigants and need to be cautious in their approach and ensure that they contest the cases only if necessary and not just to pass the buck and contest for the sake of contesting. The enormous time of the courts, the offices and the money that is spent on this frivolous litigation stirs the judicial conscience. There is nothing on the records by which these appellants could in any manner offer any sort of resistance to the impugned findings, rather meekishly have surrendered when questioned by the Court as to why the State is trying to undo its constitutional obligations. A million dollar question comes to the mind of the Court why should the Government system be not responsible so as to prevent litigation where it can rationally and logically be prevented, as State is the biggest litigant in the country.

The study carried on by the Vidhi Centre for Legal Policy regarding Government litigation has drawn the conclusion that Government litigation contributes the most to the judicial burden and it is such like cases which enter the system and thereby overburdening the judiciary. This Court feels its judicial obligation to curb this litigation pendency of the Government departments as none of the offices is bold enough to take a decision on its own shoulders.

As has been accepted by the learned counsel for the appellants that neither any acquisition has come about nor compensation has been given to the plaintiffs for this highly dictatorial attitude of the State and in the light of concurrent findings of the two courts below, nothing substantial could be pointed out for this Court to entertain the present matter. The same as such stands dismissed in limine.

To ensure that the State and its offices are discouraged from going into such unwanted litigation and wasting the State exchequer necessitates imposition of special cost of ₹ 6.00 lacs which shall be initially paid by the State in equal shares to all the plaintiffs, and thereafter 50% of the cost would be recovered from the officials responsible from the defendant department and remaining 50% shall be recovered from the law officers who have opined and prodded the State to come up in this appeal.

Copy of this order be sent to the Principal Secretary, Department of Personnel as well as the Additional Chief Secretary, Home Affairs and Justice, Government of Punjab for due compliance and to ensure administrative actions as well.

**(FATEH DEEP SINGH)**  
**JUDGE**

**February 14, 2020**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No