

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.110

CWP No.37137 of 2019

DATE OF DECISION: January 24, 2020

DARYA SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.P. Sehri, Advocate, for the petitioners.

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SUDHIR MITTAL, J. (ORAL)

Petitioner No.1 was allotted some land in the year 1968 on leasehold basis by the Revenue Department. The lease continued for many years till he was evicted under the provisions of Punjab Security of Land Tenures Act, 1953. Thereafter, an application dated 04.05.2015 was submitted by him for allotment of the land under the Nazul Land (Transfer) Rules, 1956 (hereinafter referred to as the Rules). The application has been rejected by all the authorities below leading to the filing of the present writ petition.

2. Learned counsel for the petitioners has argued that the land in dispute is 'nazul land' and the learned Financial Commissioner was in error in holding to the contrary. He places reliance upon *Charan Singh and others vs. State of Punjab and others, 1997(1) PLJ 188* and *Antu vs. State of Haryana, 2003(3) RCR (Civil) 153*.

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3. The learned Financial Commissioner has reproduced Rule 2(d) of the Rules which defines 'nazul land'. The same is reproduced below for ready reference:-

*2(d) "Nazul land" means:-*

*(i) the land situated beyond two miles of the Municipal limits, which has escheated to the State Government and has not already been appropriated by the State Government for any purpose.*

*(ii) such other land as the State Government may make available for being transferred under these rules.*

4. The aforementioned definition includes within its ambit land which has escheated to the State Government and has not already been appropriated by it and is situated beyond two miles of the municipal limits. It also includes such other land as the State Government may make available for being transferred under the rules.

5. The learned Financial Commissioner has found that there is no evidence on record to show that the land was escheated to the State. It has also been found that nothing on record supports the statement of counsel for the petitioners that the State Government had made the land in dispute available for allotment under the rules. Consequently, a finding has been returned that the land in dispute is not 'nazul land'. Learned counsel for the petitioners has not been able to point out any error in the findings of the learned Financial Commissioner apart from placing reliance upon the judgments in **Charan Singh (supra)** and **Antu (supra)**. The case of **Charan Singh (supra)**, is not applicable at all. The question involved in the said

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case was whether the petitioner therein was liable to be evicted under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act 1973. There was no issue therein whether the land in dispute was 'nazul land' or not. So far as the judgment in *Antu (supra)* is concerned, again, there was no issue involved whether the land in dispute was 'nazul land' or not. The said judgment was passed on the basis of an admitted case of the parties that the land in dispute therein was 'nazul land'.

6. In view of the above, there is no error in the orders impugned in the writ petition. The writ petition is without any merit and is dismissed.

**January 24, 2020**

*Ankur*

**(SUDHIR MITTAL)  
JUDGE**

Whether speaking/reasoned Yes

Whether Reportable Yes