

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

Sr. No.111 (four connected cases)

CWP-5106-2022 (O&M)
Date of decision : 19.07.2022

Sultan and another

..... Petitioners

VERSUS

The Financial Commissioner, Haryana and others

..... Respondents

2

CWP-5149-2022 (O&M)

Krishan Lal and another

..... Petitioners

VERSUS

The Financial Commissioner, Haryana and others

..... Respondents

3

CWP-5973-2022 (O&M)

Tirlok Chand and others

..... Petitioners

VERSUS

The Financial Commissioner, Haryana and others

..... Respondents

4

CWP-5978-2022 (O&M)

Tirlok Chand and others

..... Petitioners

VERSUS

The Financial Commissioner, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.S. Gill, Advocate, for the petitioners
in all petitions.

SUDHIR MITTAL, J. (Oral)

The land owners i.e. respondents No.3 to 8 filed an application in Form 'L' for recovery of batai on 15.06.1998. The application was allowed vide order dated 14.12.2004. Appeal against the order of the Assistant Collector, First Grade, Sirsa was dismissed vide order dated

13.12.2005. After dismissal of the appeal, the petitioners filed an application for keeping the eviction proceedings in abeyance till the decision of the surplus area case of the land owners, however, the said application was dismissed. Appeal and revisions preferred there-against have also failed and thus, the present writ petition has been filed.

Learned counsel for the petitioners has submitted that the land in dispute was declared surplus in the year 1993. Challenge thereto by the land owners has succeeded and the matter has been remanded for a fresh decision. A fresh decision has still not been taken. Since, land was declared surplus way-back in the year 1993, the land owners lost title thereto and land vested in the State for all purposes. Thus, the authorities below were not justified in rejecting the application for keeping the ejectment proceedings in abeyance till the decision of the surplus case.

The argument is totally mis-conceived. Once, the order of declaration of surplus area had been set aside, it cannot be said that the land owners had lost title to the land in dispute. The petitioners were thus, liable to pay batai and having not done so, they are liable to be proceeded against in accordance with law and in accordance with the orders passed against them.

The writ petition has no merit and is dismissed.

A photocopy of this order be placed on the file(s) of the other connected case(s).

(SUDHIR MITTAL)
JUDGE

19.07.2022

Ramandeep Singh