

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

Sr. No.148

**CWP-9774-2022 (O&M)
Date of decision : 09.05.2022**

Sanjay and another

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Hooda, Advocate, for the petitioners.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Samarth Sagar, Addl. AG, Haryana,
for respondents No.1 to 4.

SUDHIR MITTAL, J. (Oral)

The petitioners are aggrieved because their revision petition filed before the Financial Commissioner has been dismissed. Allegedly, the petitioners are '*gair marusi*' upon land in dispute. Respondents No.5 to 11 had filed an application for grant of ownership under the Haryana Dohlidar, Butimar, Bhondedar and Muquararidar (Vesting of Proprietary Rights) Act, 2010 (hereinafter referred to as the Act) which was rejected by the Collector, however, their appeal succeeded.

Learned counsel for the petitioners has argued on the basis of revenue record that respondents No.5 to 11 were not in possession of the land in dispute as is evident from column No.9, wherein, the dholidaran are recorded through the '*gair marusi*'. Thus, the Financial Commissioner was in error in dismissing the revision petition.

The aforementioned argument pre-supposes that the name of the cultivator as recorded in column No.5 is correct. Therein, names of respondents No.5 to 11 have been recorded. The requirement of Section 3 of

the date of coming into force of the Act. This requirement of law is fulfilled by the petitioners having been recorded as cultivators. Further leasing of the land, if any, in favour of ‘*gair marusi*’ would not deprive them of their lawful possession and thus, the argument cannot be accepted.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

09.05.2022
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No