

CWP-25657-2022

Date of Decision: 11.11.2022

Lekh Ram and others

....Petitioners

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Piyush Aggarwal, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

According to the averments made in this writ petition, one Sahi Ram son of Sanwla Ram (predecessor-in-interest of the petitioners) was a big land owner. Vide order dated 09.11.1976, 92 Kanals 13 Marlas owned by him was declared as surplus. This order was challenged by him by filing appeal which was allowed and the matter was remanded for a fresh decision. Post remand, the Collector (Agrarian) determined 77 Kanals 6 Marlas (1.9638 hectares) to be surplus vide his order dated 30.04.1979. Still aggrieved, Sahi Ram again approached the Commissioner who again remanded the matter. This time, the Collector (Agrarian) upheld his order of 30.04.1979 vide order dated 17.06.1983, which was once again challenged before the Commissioner but without success. Further revision filed before the Financial Commissioner also failed and, thus, CWP No. 9512 of 1987 was filed in this Court. The same was partly allowed and the matter was once again remanded to the Collector for redetermination of surplus area. This time, vide order dated 04.08.1993, the Collector reduced the surplus area to 0.4153 hectares. Meanwhile, one of the allottees of surplus land of Sahi Ram namely Hari Chand filed an appeal before the Commissioner. The same was dismissed vide order dated 09.11.2010. Hari Chand preferred a revision petition

before the Financial Commissioner which was allowed and order dated 04.08.1993 passed by the Collector reducing the surplus area to 0.4153 hectares was set aside. Order dated 17.06.1983 passed by the Collector was upheld and surplus area was declared as 77 Kanal 6 Marlas (1.9638 hectares) in accordance with the said order. This order has been challenged by another tenant namely Mahla Ram vide CWP No. 563 of 2015 which was dismissed vide order dated 28.07.2017.

Meanwhile, Sahi Ram died on 03.12.1995.

The petitioners have now filed an application dated 12.02.2018 before the Collector (Agrarian) Fazilka for re-determination of surplus area in view of the judgment of a Full Bench of this Court in ***Sardara Singh and others vs. Financial Commissioner, 2008(151) PLR 297***. No action has been taken and, thus, the present writ petition has been filed.

After passing of order dated 15.07.2014 by the Financial Commissioner, surplus area proceedings in respect of Sahi Ram have come to end. Order dated 17.06.1983 declaring 77 Kanals 6 Marlas as surplus area has attained finality. The same can not be reopened on account of passing of a judgment by this Court in ***Sardara Singh (supra)*** in the interregnum especially when Sahi Ram had died on 03.12.1995 and surplus area proceedings were still pending in appeal filed by the allottee Hari Chand. If the petitioners were aggrieved they could have asked for re-opening of the surplus area case at the said stage. Once the proceedings have been finalized, they can not be reopened on account of a judgment passed meanwhile as no review is permissible in such a situation.

The writ petition has no merit and is dismissed.

11.11.2022

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(SUDHIR MITTAL)
JUDGE