

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

RSA No. 424 of 2023 (O&M)

Date of decision: 15.02.2023

Hari Singh

..... Appellant.

Versus

Punjab State and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajan Bansal, Advocate, for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM No. 1528-C of 2023

This application is for condonation of delay of 2094 days in filing the appeal.

Heard. For the reasons stated in the application, the same is allowed and the delay of 2094 days in filing the appeal is condoned.

RSA No. 424 of 2023 (O&M)

The appellant has challenged the judgments and decrees of the Courts below whereby his suit for declaration has been dismissed.

Learned counsel for the appellant submits that the appellant has been in possession of the suit land since 2003, which is duly recorded in the rapat (Ex.PW3/A), which indicates that the appellant was in possession of the suit land in the year 2003-04 and retained his possession till date.

Heard.

The appellant/plaintiff had filed a suit for declaration to the

effect that he is in actual cultivating possession of the land measuring 7 Kanals 7 Marlas comprised in Khewat No.2004, Rect. No.163, Killa No.22/1 (1-0), 22/3(6-7) situated in the area of Ferozepur, Hadbast No.108 vide jamabandi for the year 2003-04 as 'gair maroosi' since 1998. The suit of the appellant/plaintiff has been dismissed, as the Courts below have relied on the revenue record which indicates that the ownership of the land in dispute is in the name of Punjab Urban Development Authority, Chandigarh. The entries in the jamabandi for the year 2003-04 (Ex.P1), jamabandi for the year 2008-09 (Ex.P3) and khasra girdawari for the year 2012-13 (Ex.P4) have been relied upon by the appellant/plaintiff. The appellant/plaintiff, in his cross-examination, has himself admitted that as per jamabandi for the year 2003-04 (Ex.P1), in the column of cultivation, the name of Punjab Urban Development Authority, has been mentioned. A perusal of revenue record i.e. jamabandi for the year 2003-4 (Ex.P1), jamabandi for the year 2008-09 (Ex.P3) and khasra girdawari for the year 2012-13 (Ex.P4) reveals that in the column of ownership and possession, it is Punjab Urban Development Authority, which finds mention. Therefore, there is no material to indicate that the appellant/plaintiff has been in possession of the land in dispute.

The appellant/plaintiff has relied upon solitary rapat (Ex.PW3/A), but the same would not be enough to decree the suit of the appellant/plaintiff. It is also not discernible from the material on record as to how the appellant/plaintiff had obtained the possession of the suit land which is owned by the Punjab Urban Development Authority. Ex.PW3/A is Rapat No.172 wherein the SDM, Ferozepur, on 16.10.2004, had ordered to make entries in the revenue record regarding correction of the khasra girdawari, but

there is no order on record whereby any revenue officer had directed the change of the khasra girdawari which was in the name of the Punjab Urban Development Authority. Therefore, I do not find any infirmity in the impugned judgments and decrees passed by the Courts below.

Consequently, the appeal stands dismissed.

Pending application(s), if any, shall also stand disposed of accordingly.

15.02.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No