

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

236

CWP-13549-2020(O&M)

Date of Decision : February 22, 2023

RAN SINGH & ORS

.....Petitioners

VERSUS

STATE OF HARYANA & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Rajveer Singh Brar, Advocate
for the petitioners.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Rajesh Lamba, Advocate
for respondent No.4.

Mr. Kulwant Singh Dhanora, Advocate
for petitioner No.10(i) to (vi).

SURESHWAR THAKUR. J.(Oral)

CM-5846-2022

1. Though Ram Sawroop was reflected in ROR No.237 of 2015-16 whereon an order carried in Annexure P-6 is passed but therein the suing by Ram Sawroop is through his LRs. Through, the impleadment in the instant petition, as directed against the order drawn in Annexure P-6, qua the LRs of deceased Ram Sawroop was imperative, but the LRs of deceased Ram Sawroop remained unimpleaded in the array of the petitioners in the instant petition, whereas, they are both a necessary and a proper party for a complete adjudication being made upon the instant petition. Therefore, the application under Order 1 Rule 10 of CPC is allowed, and, deceased Ram Sawroop is permitted to continue the petition but through his LRs one Raj Kumar and Rajesh Kumar. Necessary correction be made in the memo of parties of the instant petition. Amended memo of parties is taken on record.

2. No notice is required to be issued to be served to the newly added petitioners, as they stand represented through their validly engaged counsel.

Main case

3. The petitioners instituted a declaratory suit before the learned Collector concerned, claiming therein that they be declared owners in possession of the petition land bearing *khasra No.22/2* (4 kanals 11 marla). The learned Collector concerned, through an order made thereons, and, as becomes carried in Annexure P-3 hence granted the declaratory relief to the petitioners. Aggrieved therefrom the Gram Panchayat concerned, instituted thereagainst a statutory appeal bearing No. 182/2005-2006 before the competent statutory authority. Through a decision made on the said statutory appeal on 7.8.2009, the verdict, as became earlier drawn by the learned Collector concerned, whereby the declaratory relief was granted to the petitioners to not interfere with their land(s), and, or with their possession rather became annulled. The above led the petitioners to rear thereagainst ROR No.237 of 2015-2016 hence before the learned Financial Commissioner concerned. The Financial Commissioner concerned, through an order made thereon on 22.1.2020 after concurring with the order as made by the Appellate Court hence proceeded to dismiss the above revision petition.

4. This has led the petitioners to challenge the order made on ROR No.237 of 2015-16 by the Financial Commissioner, Haryana, through theirs instituting the instant petition before this Court.

5. The entire factum of the *lis* is hinged upon an interpretation to be made to the revenue entries, as appertain to apposite petition land (s), and, which are carried in Annexure P-2. A reading of Annexure P-2, reveals that in the column of ownership, the Gram Panchayat concerned, is recorded as the owner, and, in the column of possession, an entry of Makbooja Panchayat Deh rather exists. Moreover, in the column of classification, the petition land(s) have been described as Banjar Kadim Charagaan. The combined interpretation of the above entries, is but,

necessarily qua the said lands becoming reserved for the benefit of the village proprietary body concerned, in as much as, theirs being meant for the grazing(s) of the cattles of the villagers concerned. Resultantly, when there is no challenge to the above made entries, as carried in Annexure P-2, therefore, the evidentiary worth of the said entries, as carried in Annexure P-2 necessarily acquire a grave evidentiary worth. In nutshell, this Court finds that there is no iota of right, title or interest of the petitioners in the petition land(s). Therefore, this Court finds no merit in the instant petition, and, is constrained to dismiss it. Accordingly, the writ petition is dismissed. In sequel, the concurrently made orders respectively by the Appellate Court concerned, on the apposite statutory appeal, and, also by the Financial Commissioner, Haryana on ROR No.237 of 2015-16 hence are maintained and affirmed.

6. No order as to costs.

7. All the pending applications stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 22, 2023

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No