

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-16243-2023****Date of decision : 18.08.2023****Man Phool and another****.....Petitioners****versus****State of Haryana and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********Present :- Mr. Krishan Singh, Advocate
for the petitioners.***********RAJESH BHARDWAJ, J.**

Petitioners have approached this Court praying for quashing the order dated 05.08.2010 passed by learned Assistant Collector, Grade II, Chhachrauli; order dated 31.01.2012 passed by learned Collector, Bilaspur; order dated 07.02.2014 passed by learned Commissioner, Ambala Division, Ambala and order dated 25.02.2021 passed by learned Financial Commissioner Haryana, Chandigarh whereby the application for correction of Khasra Girdawari filed by Smt. Mam Kaur, mother of the petitioners has been wrongly and illegally dismissed without any basis.

Learned counsel for the petitioners has submitted that mother of the petitioners filed an application for correction of Khasra Girdawari regarding the land measuring 26 Kanals 11 Marlas in Khewat No.218 Min, Khatuni No.263, Khasra No.82//32 situated in Village Chhachhrauli, District Yamuna Nagar. The application was listed before the learned Assistant Collector-II, Grade, Chhachrauli on 05.08.2010 for final hearing and the same was dismissed on 05.08.2010. He submits that during the pendency of said application for correction of Khasra

Girdawari, mother of the petitioners namely, Mam Kaur died and after the death of their mother, petitioners filed appeal before learned Collector-cum-SDO (Civil), Bilaspur, District Yamuna Nagar but learned Collector-cum-SDO (Civil) dismissed the appeal filed by the petitioners vide order dated 31.01.2012. Aggrieved by the same, petitioners filed the revision petition before the learned Commissioner, Ambala Division, Ambala but the revision petition was also illegally dismissed by the Commissioner vide order dated 07.02.2014. He submits that aggrieved by the order dated 07.02.2014, petitioners filed revision petition before learned Financial Commissioner but the learned Financial Commissioner failed to appreciate the evidence and the facts and circumstances of the case and thus, illegally declined the same vide impugned order dated 25.02.2021. He has submitted that the impugned orders suffer from patent illegality as the subordinate authorities have failed to appreciate the evidence on record. He has further submitted that father of the petitioners namely, Ram Krishan was the tenant in the land under the Centre Government and thereafter, mother of the petitioners became tenant under the Centre Government. He submits that mother of the petitioners had been paying rent to the Government upto the year 1991 and on 06.08.2002, she filed an application before Naib Tehsildar (sales), Yamuna Nagar for allotment of land in dispute but the same was rejected. Aggrieved by the same, mother of the petitioners filed CWP-7301-2004 for considering her claim sympathetically regarding allotment of the land as she was in cultivating possession of land for the last 40 years as *gair marusi* tenant. He submits that the writ petition was admitted and the *status quo* order was passed. Ultimately, the writ petition was dismissed on 17.09.2012. Thereafter, she

filed LPA No.1800 of 2012 and the same was dismissed on 16.11.2012. He further submits that the SLP filed before the Hon'ble Supreme Court was also dismissed on 18.09.2017. He has submitted that the respondents are claiming possession of the land in dispute on the basis of order passed by the Hon'ble Court in CWP-576-1967 and CWP-1167-1967 which were decided on 08.03.1979. He has further submitted that the issue involved in those writ petitions was regarding the ownership of the land where the predecessor-in-interest of petitioners remained as tenant on the land in dispute and their tenancy was never challenged by either parties. He submits that by virtue of the order dated 08.03.1979, predecessor-in-interest of the respondents become the owner of the land in dispute and thus, the petitioners were in possession of the land in dispute for the last 60 years. He submits that the respondents-authorities failed to appreciate the same and thus, had drawn a wrong conclusion in declining the prayer of the petitioners and hence, the impugned orders being patently illegal deserve to be *set aside*.

Heard. On hearing counsel for the petitioners and perusing the record, it is evident that the case has a checkered history. The litigation has reached upto the Hon'ble Supreme Court wherein the SLP was dismissed on 18.09.2017. The prayer of the petitioners has been appreciated by the *quasi judicial* authorities in the appeal against which the appeal and revision when the same were filed. Apparently, there are concurrent findings by all the authorities. The Writ Court as well as the LPA Court has also appreciated the claim of the petitioners. It has been found that the petitioners are the trespassers.

Thus, in the facts and circumstances of this case, this Court does not find any perversity in the decision arrived at by the Collector, Appellate and the Revisional Authority and thus, the orders not being suffering from any perversity are upheld and the writ petition being devoid of any merits is hereby dismissed.

18.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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