



CWP-2458-2020 with
CM-2203-CWP-2024 and
CM-9980-CWP-2024

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

**CWP-2458-2020 with
CM-2203-CWP-2024 and
CM-9980-CWP-2024
Date of Decision: 30.07.2024**

Bharat Singh and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Shailendra Jain, Senior Advocate assisted by
Ms. Navneet Kaur, Advocate and
Ms. Richa Sharma, Advocate
for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. R.A. Sheoran, Advocate
for respondent No.5.

HARSH BUNGER, J. (Oral)

CM-9980-CWP-2024

This is an application filed by the petitioners for placing on record Replication (along with Annexures P-15 to P-28) to the written statement filed on behalf of respondent No.5 to the instant Writ Petition.

For the reasons mentioned in the application, the same is allowed as prayed for and the Replication (along with Annexures P-15 to P-28) are taken on record, subject to all just exceptions.



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CWP-2458-2020 (O&M)

1. The present Writ Petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of writ in the nature of certiorari for setting aside of order dated 11.01.2013 (Annexure P-5), passed by learned Assistant Collector II Grade, Sub Tehsil Behal, Tehsil Loharu, District Bhiwani, whereby the application submitted by the private respondents No.5 to 11 seeking correction of *Khasra Girdawari* entries in respect of land comprised in *Khewat* No.59min/60, *Khatauni* No.56, *Kitta* 21 measuring 139 *Kanal*- 03 *Marla*, (as per *jamabandi* for year 2006-07) situated at village Surpura Kalan, Tehsil Loharu, District Bhiwani; *with* regard to the crop *Kharif* 2012 onwards; was allowed.

1.1 Petitioners have further prayed for setting aside of order dated 29.05.2013 (Annexure P-6), passed by Sub Divisional Magistrate, Loharu, District Bhiwani, order dated 23.06.2015 (Annexure P-9), passed by learned Commissioner, Hisar and order dated 08.07.2019 (Annexure P-12), passed by learned Financial Commissioner, Hisar, dismissing the appeal(s)/revision(s) filed by the petitioners herein.

2. Learned counsel appearing for the respective parties have not disputed the fact that the Court of learned Additional District Judge, Bhiwani vide its judgment and decree dated 21.05.2024 (Annexure P-25) has partly allowed the appeal filed by the petitioners herein, wherein the following findings have been given:-

“18. Looking into the entire factual and legal proposition, this Court has no hesitation in saying that the appellants-plaintiffs being gair marusi had not acquired right or status as occupancy tenants, and as such, they cannot be declared as



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owners under Sections 5 and 8 of the Punjab Occupancy Tenants Act and as such relief of declaration was correctly declined. However, appellants-plaintiffs have been enjoying in cultivating possession as gair marusian and so original owners or subsequent purchasers, shall dispossess them after following due provision laid down under Punjab Tenancy Act 1887 read with the provisions of Punjab Security of land Tenure Act 1953 and thus learned Civil Judge has not recorded reasons in ignoring relief of dispossession against original vendors or subsequent purchasers which can safely be granted for proper adjudication the rights of parties. Accordingly, findings under issue no.1 in the impugned judgment is modified to that extent only. Rest of findings under other issues shall remain as it is. Resultantly, impugned judgment is set aside partly to the extent of dispossession after following provisions laid down under Punjab Tenancy Act 1887 read with the provisions of Punjab Security of land Tenure Act 1953.

19. In view of foregoing discussion emanating from record, instant appeal is partly allowed, leaving the parties to bear their own costs, in the manner that respondents-defendants {or subsequent purchasers under shoe of original owners} shall dispossess the appellants-plaintiffs from suit property after following provisions laid down under Punjab Tenancy Act 1887 read with the provisions of Punjab Security of land Tenure Act 1953 in accordance with law. Rest of relief stand declined. Decree-sheet be prepared. A copy of this judgment be placed on civil court's file for information and its compliance. LCR be sent back, whereas, appeal file be consigned."

3. A perusal of the above extracted paras would clearly indicate that as far as the possession of the land in question is concerned, the same has been found to be that of the petitioners herein, however at the same time it has been observed that the private respondents can dispossess the



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petitioners from the suit property after following provisions laid down under the Punjab Tenancy Act, 1887 read with the provisions of the Punjab Security of Land Tenure Act, 1953 in accordance with law.

4. In view of the aforementioned facts and circumstances, learned counsel for the parties are *ad idem* that the respective parties shall abide by the final outcome of the aforesaid civil litigation as regards the land in question and in the meanwhile, the parties shall maintain the status quo as regards the entries in the revenue record as existing today.

5. Keeping in view the aforementioned circumstances, the instant petition is disposed of with a direction that there shall be status quo only regarding entries in the cultivation column of revenue records as existing today, which shall however be subject of final outcome of above referred civil litigation between the parties. It is made clear that the parties can have recourse to the remedies as available to them in accordance with law.

6. The instant petition is disposed of, accordingly.

7. All pending application(s), if any, shall stand closed.

30.07.2024

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**(HARSH BUNGER)
JUDGE**

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