



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7059-1995 (O&M)
Date of decision : 05.12.2024

BHADU RAM THROUGH HIS LR_s.

...Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sandeep Singh, Advocate
for the petitioner.

Mr. Maheshinder Singh Sidhu, Senior Panel Counsel,
Government of India for respondent No.1.

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Som Nath Saini, Advocate
for respondent No.4.

HARSH BUNGER, J.

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *mandamus* for directing respondents No.1 to 3, to allot the land, in question, to the petitioner on the reserved price and on the terms and conditions applicable.

A further prayer has been made for issuance of a writ in the nature of *certiorari* for directing respondents No.1 to 3 to cancel the allotment made in favour of respondent No.4.

2. Briefly, Sh. Bhadu Ram (since deceased) filed the instant writ petition on the plea that he was in actual physical cultivating possession of agricultural land measuring *46 K-04 M*, comprised in *Khewat No.354, Rect. No.9, Khasra Nos.15, 16/1; Rect. No.10, Khasra Nos.11, 12, 13/1, 18/4, 20/1* and *19*, situated at Village Sirasgarh, Tehsil Barara, District Ambala, as per Jamabandi for the year 1987-88 (here-in-after referred to as 'the land, in question').

2.1 Said Sh. Bhadu Ram (since deceased) claimed that the above-mentioned land was surplus evacuee property and was meant for allotment to landless agriculturists of the Scheduled Castes on reserved price and on the terms and conditions applicable thereto. It is the case of Sh. Bhadu Ram that he had been in continuing occupation and cultivating possession of the afore-said land without any interference/hindrance from any quarter of the Society as a lessee prior to the year 1985. It was claimed by Sh. Bhadu that he had made various representations to respondents No.1 to 3 for allotment of the afore-said land at reserved price; however, no heed was paid to his representations and ultimately, his request for allotment of afore-said land was rejected by the authorities concerned vide order dated 03.02.1994 (Annexure P-4). It is further stated that the authorities have illegally allotted land measuring *12 K-18 M* out of the afore-said land in question, comprised in *Rect. No.9, Khasra Nos.15, 16/1* of Village Sirasgarh, in favour of respondent No.4-Saroj.

2.2 In the afore-mentioned circumstances, Sh. Bhadu Ram, has filed the instant writ petition before this Court, for the relief/s, as noticed here-in-above.

3. Upon issuance of notice of motion in the present case, the State as well as respondent No.4, have submitted their respective replies.

4. In the reply filed on behalf of respondents No.1 to 3, it has been stated that the petitioner has not given complete facts of the case as initially Sh. Bhadu Ram, had applied to the Tehsildar (Sales), Ambala on 07.10.1981 for transfer of evacuee land, measuring 26 K – 10 M, situated in Village Sirasgarh, on the basis of his alleged possession. It was stated that as per the then policy of the Government, a person in un-authorized possession of evacuee land could get 5 standard acres of land including his own land holding, however, after processing the case of Sh. Bhadu, the Tehsildar (Sales), Ambala, issued a notice dated 19.11.1982, calling upon Sh. Bhadu Ram to produce the copies of *khasra girdawaris* along with an affidavit regarding his land holding and also a certificate indicating that he was a member of 'Scheduled Caste'. It is next stated that Sh. Bhadu Ram, did not accept the afore-said notice and ultimately, the Tehsildar (Sales), Ambala, vide his order dated 13.12.1982 (Annexure R-1) filed/closed the case of Sh. Bhadu Ram.

5. It is the categorical stand of respondent-State that on 09.05.1984, the land measuring 40 K – 17 M, comprised in *Khasra No.9/5, 6, 15, 16/1, 16/2, 25, 16/5/2,* was put to restricted auction amongst the members of the Scheduled Castes, wherein, respondent No.4-Saroj, was the highest bidder for Rs.35,000/- and she had deposited the earnest money of the bid amount and the auction was further confirmed by the competent authority on 05.11.1984. It is stated that Sh. Bhadu Ram, did not file any appeal or revision against the auction/confirmation order; therefore, he is not entitled

to any relief whatsoever. Accordingly, prayer for dismissal of the writ petition has been made.

6. A similar stand, as taken by the respondent-State, has also been taken by respondent No.4-Saroj, by filing her independent written statement.

7. Heard.

8. In the instant case, Sh. Bhadu (since deceased) had sought allotment of land on the basis of his alleged possession on the land in question. On the other hand, it is the categorical case of respondent-State that the claim of Sh. Bhadu Ram, for allotment of land on the basis of his possession has already been rejected by the Tehsildar (Sales), Ambala vide an order dated 13.12.1982 (Annexure R-1) and further that some part of the land in question already stands allocated to respondent No.4-Saroj, being the highest bidder in a restricted auction meant for 'Scheduled Castes' and the said auction was confirmed by the competent authority on 05.11.1984. Apparently, the stand taken by the respondents, in their written statements, has not been controverted by Sh. Bhadu Ram and/or their legal representatives by filing any replication. Since, Sh. Bhadu Ram and/or his legal representatives have failed to challenge the order dated 13.12.1982 (Annexure R-1), whereby the claim of Sh. Bhadu Ram, for allotment of land on the basis of his possession was rejected nor any challenge has been laid to the auction in favour of respondent No.4-Saroj, which was confirmed on 05.11.1984, therefore, in my considered view, no relief can be granted to the petitioner, especially when the learned counsel for the petitioner has failed to establish any superior right of the petitioner to claim the land in question than the auction purchaser.

9. In view of the afore-mentioned facts and circumstances, I do

not find any merit in the instant writ petition and the same is, accordingly, dismissed.

- 10. No other argument has been raised.
- 11. All pending application/s, if any, shall also stand closed.

December 05, 2024
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No