

2024:PHHC:051840

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

RSA-226-1994 (O&M)
Date of decision: 18.04.2024

Karnail Singh and others

....Appellants

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravi Kamal Gupta, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

1. This is an old appeal which has come up for hearing after a period of 30 years. This is the plaintiff's Regular Second Appeal against the judgment passed by the First Appellate Court, which in turn has modified the judgment and decree passed by the trial court. Originally, after partition of the country, the suit land was allotted to Sh.Chander Bhan, who was a displaced person. The land was sold to various persons. Ultimately, the plaintiff's father was the last vendee. In the year 1972 some part of the land was allotted to Smt. Santosh. The plaintiff's appeal before the Secretary to the State Government, resulted in direction to the Department to allot some other land to Smt. Santosh. However, it was held that the allotment to Sh.Chander Bhan was in excess of his entitlement. The plaintiff sought declaration that he is entitled to purchase the suit land at reserve price, which was decreed by the trial court, however the First Appellate Court modified the decree directing the concerned Department to consider the plaintiff's request in accordance with the prevalent rules. It has been projected before this

Court that the land has now been acquired by the State and compensation is lying deposited in view of the aforesaid position. It is evident that the plaintiff's case cannot be considered for allotment. He had only right of consideration, which cannot be exercised now. Hence, the judgment passed by the First Appellate Court is modified and the suit filed by the plaintiff shall be deemed to have been dismissed as infructuous.

2. Disposed of.

3. All the pending miscellaneous applications, if any, are also disposed of.

18.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE