

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:053919

RSA-2462-1994

Date of decision: 22.04.2024

KAUR SINGH & ORS.

..Appellants

Versus

NATIONAL FERTILIZERS LTD. & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Randhawa, Advocate
for the appellants.

Mr. Vipin Mahajan, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the Court below while dismissing their suit for grant of decree of possession with regard to the land measuring 16 bighas and 11 biswas. It has come on record that State of Punjab acquired 71 bigha and 10 biswas of land for establishing the National Fertilizers Ltd., Bathinda. After completion of the acquisition, the compensation was paid and possession was delivered to the National Fertilizers Ltd., which set up its industry. The acquisition was completed in the year 1974-1975.

2. In the year 1987, the plaintiffs filed suit for possession on the basis of a demarcation report alleging encroachment. The defendants while contesting the suit contended that there is no encroachment and the State of Punjab has not been impleaded as a party.

3. Upon the appreciation of evidence, both the Courts have come to a conclusion that the demarcation has not been carried out in accordance with the procedure laid down in Part M of Chapter 1, Volume I of the High Court Rules and Orders. It has been found by both the Courts below that the

revenue official before demarcating the area did not locate three *pucca* points, which are necessary for proper demarcation of the area. Moreover, the State of Punjab has not been impleaded as party.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. The learned counsel representing the appellants submits that the procedure laid down in the High Court Rules and Orders is applicable if a local commissioner is appointed for demarcating the land. He submits that if the revenue official is appointed by the Deputy Commissioner to demarcate the land then the procedure incorporated in the High Court Rules and Orders is not applicable.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. In fact, in the High Court Rules and Orders, the instructions issued by the Financial Commissioner on behalf of the State for demarcating the agricultural land have been incorporated. Hence, it is mandatory to follow the procedure laid down for proper demarcation. Moreover, the State of Punjab is not a party.

8. Hence, no ground to interfere is made out.

9. Dismissed accordingly.

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

April 22nd, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No