



CWP-10849-2024

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

CWP-10849-2024

Date of Decision: 10.05.2024

Parvinder Singh

..... Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Divij Dutt, Advocate, for the petitioner.
Mr. Navneet Singh, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for setting aside the order dated 14.09.2023 (Annexure P-7) passed by Respondent No.1 and order dated 23.03.2018 (Annexure P- 8) passed by Respondent No. 1 (which was never conveyed to the petitioner) being illegal, erroneous and against the well-reasoned speaking order dated 31.05.2011 (Annexure P-2) passed by respondent No. 3 which has attained finality between the parties and further being against the provisions of PEPSU Occupancy Tenants (Vesting of Proprietary Rights) Act, 1951. Further prayer has been made to direct the respondents to implement the order dated 31.05.2011 (Annexure P-2) whereby it was directed that from all those occupants, who were in possession of the cultivable land in village Kapurgarh, Tehsil Amloh, Distt. Fatehgarh Sahib, amount of compensation calculated by the Naib Tehsildar Amloh be collected and deposited in the Government Treasury as per the directions given by the Government letter dated 26.10.1989 (Annexure P-1)



and proprietary rights be conferred on the occupancy tenants of village Kapurgarh, Tehsil Amloh, District Fatehgarh Sahib.

2. Learned Senior Counsel for the petitioner has, *inter alia*, submitted that earlier the petitioner approached this Court by way of filing CWP-19498 of 2018, which was disposed of by this Court vide order dated 31.08.2023 with a direction to Financial Commissioner to decide the representation dated 18.01.2018 within a period of four weeks. He submits that in pursuance to the same, respondent-authority has passed the impugned order dated 14.09.2023, which deserves to be quashed. At the outset, learned Senior Counsel has submitted that the impugned order is passed totally in violation of the facts and circumstances of the case. He has questioned the findings arrived at by the respondent-authorities, wherein the petitioner was held to be not *marusi/gair marusi* tenant on the disputed land. He rather submits that Ran Singh had executed a Will in favour of Balwant Singh and thereafter, Balwant Singh had executed a Will in favour of Parminder Singh. Thus, he submits that the observations made by the respondent-authority in the impugned order, are totally unsustainable in the eyes of law.

3. However, learned State counsel has opposed the submissions made by counsel for the petitioner. He has vehemently objected to the Will in question. He has submitted that the alleged Will had never been produced by the petitioner till date. He also opposed the maintainability of this petition as the issue involved is beyond jurisdiction of the writ Court.

4. After hearing learned counsel for the parties and perusing the record, it is apparent that disputed question of facts are involved in the

present case, which can be adjudicated by leading evidence before the Civil Court. Thus, this Court finds the present petition to be not maintainable before this Court and hence, the same is disposed of with liberty to the petitioner to avail his alternative remedy for redressal of his grievances, in accordance with law.

10.05.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No