

2024:PHHC:041317

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

RSA-3667-2019 (O&M)
Date of decision: 21.03.2024

Avtar Singh and another

....Appellants

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.S.Dinarpur and
Mr. Rohit Singh, Advocate for the appellants

Mr.J.S.Pannu, AAG, Haryana

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 courts below while dismissing their suit for the grant of mandatory injunction directing the State of Haryana to execute conveyance deed with respect to 2 kanals 9 marlas land. Originally, the land belonged to the State of Haryana. It was allotted to Sh.Gurmukh Singh son of Sh.Sadhu Singh, a person belonging to the Scheduled Caste under the scheme for allotment of “*nazool land*”, the land which had escheated in favour of the State of Haryana. Sh.Gurmukh Singh was required to pay the amount in instalments. However, he only deposited two instalments. Subsequently, the plaintiffs filed a suit, claiming the property, on the basis of Will allegedly executed by Sh.Gurmukh Singh. It has come on record that the plaintiffs are Jat Sikhs (higher caste). As per the scheme, the property was meant for the poor and downtrodden people. Thus, both

the courts have found that the provisions of law are being circumvented in order to secure the ownership of the property.

2. Keeping in view the aforesaid facts, no ground to interfere is made out.
3. Hence, dismissed.
4. All the pending miscellaneous applications, if any, are also disposed of.

21.03.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE