



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

LPA-764-2023 (O&M)

Date of decision : 01.05.2024

Geetan Singh @ Geetal Singh and others

...Appellants

Vs.

**Financial Commissioner (Revenue), Punjab
Civil Secretariat, Chandigarh and others**

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Baltej Singh Sidhu, Sr.Advocate with
Mr. Divij Datt, Advocate for the appellants.

Mr. Vaibhav Sharma, Advocate and
Ms. Salina Chalana, Advocate
for the respondent(s)/Caveators.

DEEPAK MANCHANDA, J.

1. Through this intra-Court appeal, the appellants have assailed the judgment dated 01.05.2023 where the appellants sought quashing of the orders dated 06.05.2014 (Annexure P-7), order dated 22.11.2012 (Annexure P-4) and order dated 05.05.2011 (Annexure P-2), but same was dismissed by the learned Single Judge and upheld the aforesaid orders.

2. The outlined facts of the present case are that respondent Nos.5 and 6 filed an application seeking eviction of the appellants from the land in dispute, who were tenants and had not paid rent for the crops Sauni 2008, Kharif 2008 and Sauni 2009. The respondent No.4 vide order dated 31.08.2010 dismissed the said application with the direction to appellants to deposit 1/3rd

share of the said crops with 8% interest within a period of 15 days from the date of passing of the said order, which was challenged by respondent Nos.5 and 6 and same was allowed by respondent No.3 vide order dated 05.05.2011 (Annexure P-2), who ordered for eviction of appellants from the land in question. The said order of eviction was challenged by the appellants by filing a revision petition before respondent No.1, which was also dismissed vide order dated 06.05.2014 (Annexure P-7) on the ground of non-payment of rent where the relationship of landlord and tenant between the appellants and respondent Nos.5 and 6 was duly established on record. Aggrieved against the said orders, the appellants filed CWP-19311-2014, which was dismissed by the learned Single Judge vide impugned judgment dated 01.05.2023 and same has now been challenged through this intra-Court appeal.

3. Learned senior counsel for the appellants contends that the impugned judgment passed by learned Single Judge has resulted into miscarriage of justice to the appellants where learned Single Judge failed to appreciate that the appellants are tenants of the land in dispute for the last 40-50 years and the respondent Nos.5 and 6 purchased the land only on 11.04.2008. He further contends that respondent No.4 rightly dismissed the application filed by respondent Nos.5 and 6, but same was illegally allowed by the respondent No.1, which was upheld by respondent No.3, ignoring the material and evidence on record and also that learned Single Judge simply relying upon the said orders dismissed the writ petition without any appreciation of the same. Learned senior counsel further argues that learned Single Judge while passing the impugned judgment also failed to consider that as per settled principal of law, the revenue Court had no jurisdiction to decide

the issue regarding relationship of landlord and tenant and the orders passed by the revenue authorities/respondent Nos.1 to 3 are totally non-speaking and without application of mind and has prayed for setting aside the impugned judgment.

4. Mr.Vaibhav Sharma, Advocate has put an appearance being a respondent-caveator and has opposed the submissions made by learned senior counsel.

5. We have heard the learned counsel for the parties and have perused the material available on record.

6. A bare perusal of the impugned judgment would show that learned Single Judge after re-appreciating the orders passed by revenue authorities dismissed the writ petition and observed that the appellants who were tenants in the land in question, on payment of 1/3 batai and their relationship of landlord and tenant with respondent Nos.5 and 6 was duly proved on record. Even the respondent No.2 in its order dated 22.11.2012 (Annexure P-4) gave affirmative finding on the said aspect, which was endorsed by the respondent No.1, and same was not challenged in the writ petition. Learned Single Judge specifically mentioned that appellants failed to produce any receipt qua payment of rent to the respondent Nos.5 and 6 for the crops of Sauni 2008, kharif 2009 and Sauni 2009. The learned Single Judge by denoting to Section 14 (A) (iii) of the Punjab Security of Land Tenures Act 1953, described that if a landlord refuses to accept rent from his tenant or demands rent in excess of what he is entitled to or refuses to give a receipt, the tenant may in writing inform the Assistant Collector IIInd Grade, having jurisdiction of the same. In same line the Section 14 of the Act 1953 emphasises for penal action in case

landlord after receiving the rent fails to give any such receipt. Learned Single Judge also precisely mentioned that non-issuance of rent receipt had been rightly accepted by all the revenue authorities/respondent Nos.1 to 3 while passing the orders challenged before the writ Court. Learned Single Judge while relying upon the judgment passed by the Hon'ble Apex Court in case of ***Raj Kanta Vs. The Financial Commissioner, Punjab and others, AIR 1980 SC 1464***, where the question as to whether even if, a single default made by the tenant would, entitle the landlord to seek eviction, was taken into consideration at the time of deciding writ petition.

7. The findings given by the learned Single Judge in the impugned judgment are reproduced here below:-

11. The argument of learned senior counsel for the petitioners to the effect that the order of the Financial Commissioner is non-speaking and thus, on the said ground, the impugned orders deserve to be set aside also deserves to be rejected. In this regard, it would be relevant to note that the Assistant Collector Ist Grade, Malout vide his order dated 31.08.2010 after having noted the cross-examination of Darshan Singh-petitioner no.2 and also after having noticed the argument of the tenants to the effect that no receipt had been given by the landlord, rejected the application of the landlord for eviction on surmises and conjectures. The Assistant Collector Ist Grade, Malout had, however, directed the respondents to deposit 1/3rd share of crops for Sauni 2008, Kharif 2009 and Sauni 2009 with 8% interest. The Collector and the Commissioner vide detailed orders had come to the conclusion that the petitioners had failed to produce any record to show that they have paid the rent for the relevant period and that there was no sufficient cause for them to not pay the said rent. It was reiterated by the said authorities that the petitioners had not produced any receipt regarding the payment of the same and even the witnesses produced by the petitioners could not state as to how many quintals of wheat were given by the petitioners to the respondents-landlord. The Financial Commissioner was the 4th authority which considered the matter and before the Financial Commissioner, challenge had been made to the concurrent finding of fact by the Collector and the Commissioner and thus, the Financial Commissioner was

not required to give elaborate reasons moreso, when the Financial Commissioner was upholding the orders of the Collector and the Commissioner. Even a perusal of the order of the Financial Commissioner would show that the same is running into 4 pages and the facts have been noticed in paragraph 2 of the order, in paragraph 3 the arguments raised by the counsel for the petitioners has been noticed and in paragraph 4 the arguments raised by respondents no.5 and 6 have been noticed and thereafter in paragraph 5 the Financial Commissioner had dismissed the revision petition by observing that it has been established on record that a relationship of landlord and tenants exists between the parties and that all the subordinate revenue authorities had concurrently found that the petitioners have failed to pay rent due to the respondents and further observed that there was no infirmity or illegality in the order ejecting the petitioners. To the mind of this Court, the order passed by the Financial Commissioner cannot be stated to be a non-speaking order moreso, in view of the fact that the Collector and the Commissioner had already rejected the pleas raised by the petitioners. Moreover, this Court has considered arguments raised by learned senior counsel for the petitioners and found them to be without merit and thus, this Court has not been persuaded to set aside the orders passed by the authorities.

*12. The judgment of the Hon'ble Supreme Court in **M/s Kranti Associates Pvt. Ltd.**'s case (supra) relied upon by learned senior counsel for the petitioners, is on different facts. A perusal of the paragraph 3 of the said judgment would show that the Commission had not given any reasons while dismissing the revision petition filed by the builder vide order dated 31.08.2007 and only observed that in view of findings of the State Commission, the revision petition is dismissed. The same was a four line order passed by the Commission. Even a perusal of paragraphs 53 and 54 of the said judgment would show that the order of State Commission dated 26.07.2007 with respect to the appeal filed by the bank, was set aside on account of the fact that the State Commission had dismissed the bank's appeal by observing that the same is dismissed for the reasons given in the order dated 26.07.2007 passed in the connected appeal filed by the builder. It was observed that since the Bank had filed a separate appeal, it had a right to be heard independently in support of its appeal and the said right had been denied and thus, the orders passed by the Commissions in the said case were set aside. The facts of the present case are different from the facts of abovesaid judgments as has been detailed in paragraphs 7 and 10 of the present order.*

13. Keeping in view the above said facts and circumstances, the present writ petition is dismissed and the order dated

dated 06.05.2014 (Annexure P-7) passed by respondent no.1, order dated 22.11.2012 (Annexure P-4) passed by respondent no.2 as well as order dated 05.05.2011 (Annexure P-2) passed by respondent no.3 are upheld. No order as to costs.”

8. We have also perused the orders passed by the revenue authorities which were challenged through the writ petition and were upheld by the learned Single Judge while passing the impugned judgment.
9. Keeping in view the aforesaid findings given by the learned Single Judge, we do not find any perversity or illegality in the impugned judgment, hence, no interference is called for. Consequently, the present intra-Court appeal is dismissed.
10. Since the main case is dismissed, pending application(s), if any, have also been rendered infructuous.

(DEEPAK MANCHANDA)
JUDGE

(DEEPAK SIBAL)
JUDGE

01.05.2024
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No