

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17117 of 2021 (O&M)

Date of Order:31.01.2024

**Randhir Singh @ Ranbir Singh (since deceased)
through LR-Manjit Singh**

.Petitioner

Versus

Union of India through Defence Secretary and another

..Respondent

RSA No.622 of 1992(O&M)

Randhir Singh and others

..Appellants

Versus

Bale Ram (since deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sandeep Sangwan, Advocate
for the petitioner(in CWP-17117 of 2021)**

**Mr. S.P.Chahar, Advocate
for respondent no.5(in RSA No.622 of 1992)**

**Mr. Arun Gosain, Sr. Govt. Cousnel and
Ms. Swati Arora, Advocate
for respondent no.10 (in RSA-622 of 1992)
for Union of India (in CWP-17117 of 2021)**

ANIL KSHETARPAL, J

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the order passed by the Defence Estate Officer (exercising the powers of Collector) on 23.09.2020, under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, which in appeal has been affirmed by the learned Additional District Judge, Rohtak, vide order dated 01.02.2021.

2. It has come on record that vide notification nos.231, 235 and

236, issued on 01.04.1937, the property was acquired in exercise of powers under clause (a) of sub-section(1) of Section 172 of the Government of India Act, 1935. The petitioner claims to be in cultivating possession of the 57824.403 square meter land which belongs to the central government. The Defence Estate Officer after granting an opportunity to the petitioner to file his written statement and granted opportunity to lead evidence through a detailed order after carrying out the survey of the land upon spot inspection, ordered eviction of the petitioner. The same was affirmed in an appeal by the learned Additional District Judge by an elaborate order.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

4. The learned counsel representing the petitioner contends that the petitioner is in long and settled possession being bisweddar of the village. He submits that he being the co-sharer is entitled to continue in possession. He submits that the petitioner has been wrongly dispossessed in the year 2021.

5. This court has considered the submissions of the learned counsel representing the petitioner and found no substance in the writ petition.

6. The petitioner does not dispute the correctness of the acquisition of the land by the Central Government in the year 1937. At this stage, the learned counsel representing the petitioner submits that the notification issued in the year 1937 was not in his knowledge.

7. Be that as it may. On completion of the acquisition, the land vests absolutely in favour of the Central Government. Thereafter, the petitioner has no right, title or interest in the same. Furthermore, it is

evident that the petitioner has failed to draw the attention of the court to any error in the procedure followed by the competent authority while ordering petitioner's eviction.

8. Hence, there is no substance in the writ petition. Consequently, it is dismissed.

9. There is a connected appeal i.e. Regular Second Appeal No.622 of 1992, filed by the petitioner in the writ petition i.e. Randhir Singh and others. This suit is with respect to the 174 kanals and 4 marlas of land. Both the courts have dismissed the suit. In the aforesaid suit, the Central Government was not impleaded as a party. An application for impleadment has been filed by the Central Government. This appeal was filed through Sh. L.N.Verma, and Sh. Ashok Verma, Advocates. Late Sh. L.N.Verma, Advocate, had died. Sh. Ashok Verma, Advocate has pleaded no instructions.

10. On 24.05.2021, Sh. Sandeep Sangwan, Advocate, filed power of attorney signed by Sh. Manjit Singh, who is not even party to the present regular second appeal.

11. As per the office report, appellant no.4 has been served, whereas appellant no.3 has refused to accept the summons on the ground that the case does not relate to him.

12. Keeping in view the aforesaid facts, the Regular Second Appeal no.622 of 1992 is dismissed for non-prosecution.

13. It has been brought to my notice that on 18.12.1992, appellant no.1 was directed to pay a sum of Rs.9,000/-, whereas appellant no.2 was directed to pay Rs.6000/- per year in the trial Court. If that amount has been deposited, the Central Government shall be entitled to withdraw the same

along with interest.

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

January 31, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO