



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

**CWP-14189-1995 (O&M)**  
**Date of decision : 08.04.2025**

CHHOTO AND OTHERS

...Petitioners

Versus

FINANCIAL COMMISSIONER, HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Surinder Garg, Advocate  
and Mr. Kashmir Singh, Advocate  
for the petitioners.

Ms. Upasana Dhawan, A.A.G., Haryana.

Mr. Gaurav Chopra, Senior Advocate along with  
Mr. Anurag Chopra, Advocate  
Ms. Devanshi Sharma, Advocate  
and Mr. Harmeet Singh, Advocate  
for respondent No.5.

**HARSH BUNGER, J.**

Prayer in the present writ petition filed under Article 226/227 of the constitution of India is for issuance of a writ in the nature of Certiorari for setting aside order dated 24.05.1995 (Annexure P-6) passed by learned Financial Commissioner, Haryana.

2. Briefly, original respondent No.5–Vidyawanti (since deceased) was successor-in-interest of one Sh. Lekh Raj, who was a big landowner. Smt. Vidyawanti filed an application under Section 14-A(ii) of the Punjab

Security of Land Tenures Act, 1953 (in short, *the 1953 Act*) against the petitioners herein seeking recovery of *batai* (share of crop) for *Rabi 1982* in respect of land measuring *128 kanals – 2 Marlas* comprised in *Khasra no.239/3 (6-18), 4(6-18), 5(6-18), 6(8-0), 13(7-4), 14(8-0), 15(8-0), 16(8-0), 17(8-0), 18/1(3-4), 18/2(3-8), 19(8-0), 22/2(7-0), 23(7-8), 24(7-4), 25(8-0)* situated at *Koja Basti* amounting to about Rs. 999/-, which came to be disposed of vide order dated 06.02.1984 (Annexure P-1) directing the petitioners to deposit the aforesaid amount to the owner or in the Treasury, within a period of 30 days from the date of passing of the order.

2.1 Feeling aggrieved against the aforesaid order dated 06.02.1984 (Annexure P-1), Smt. Vidyawanti filed an appeal before the learned Collector, Tohana; which came to be allowed vide order dated 22.03.1985 (Annexure P-2) and the matter was remanded to the learned Assistant Collector, Tohana for fresh decision, by observing as under :-

*“4. I have heard in detail the argument advanced by both the parties and have perused the records of the file. After that I am of the considered view that the order of Assistant Revenue Officer is not a speaking one because he has not given any reason in his order that under which specific circumstances he has provided 30 days to the respondent for payment of the revenue after passing the decree against the respondents. The rulings cited by the appellants which were alleged to have been cited in the lower court, have not been mentioned in the order. On the basis of above discussion the impugned order is set-aside and remanded to the Court below with the direction to pass a fresh order on the application under Section 14-A of the Act keeping in view of the above cited rulings.”*

2.2 Upon remand, the learned Assistant Collector, IInd Grade, Tohana ordered ejectment of the petitioners from the land in question vide order dated 29.06.1987 (Annexure P-3) by holding as under:-

*“...I have gone through all the facts on the file. The respondent was given the Form ‘M’ and ‘N’ and he should have deposited the amount of Batai within 30 days and after that he could have filed his objections. But respondents have not deposited the amount within 30 days. I modify the order of my previous Officer and as respondent have failed to deposit the amount within 30 days.*

*So, I order the ejectment of respondents from the land in dispute. Order pronounced on 29-6-87. File be consigned to record room.”*

2.3 An appeal No. 3 of 1988-89 titled as **Smt. Chhoto etc. vs Smt. Vidya Wanti**, filed by the petitioners against order dated 29.06.1987 (Annexure P-3) came to be allowed by the learned Collector, Tohana vide order dated 06.01.1989 (Annexure P-4); whereby order dated 29.06.1987 (Annexure P-3) was set aside.

2.4 Being dis-satisfied against order dated 06.01.1989 (Annexure P-4), Smt. Vidyawanti filed an appeal before the learned Commissioner, Hissar Division, Hisar; which was dismissed vide order dated 17.05.1993 (Annexure P-5).

2.5 Still aggrieved, Smt. Vidyawanti preferred a revision petition (**ROR No. 664 of 1992-93**) before the learned Financial Commissioner, Haryana; which came to be allowed vide impugned order dated 24.05.1995 (Annexure P-6) and the ejectment order dated 29.06.1987 (Annexure P-3) was upheld.

2.6 In the aforementioned circumstances, the present writ petition has been filed before this Court.

3. Learned counsel for the petitioners submits that the learned Assistant Collector as well as learned Financial Commissioner have erred in law and facts in ordering ejectment of the petitioners from the land in question. It is submitted that in the first instance, the learned Assistant Collector 2<sup>nd</sup> Grade, Tohana, passed an order dated 06.02.1984 (Annexure P-1) directing the petitioners to deposit the amount of *batai* within a period of 30 days, which was duly deposited by the petitioner and therefore for all intents and purposes, the proceedings initiated by the land owner under Section 14-A(ii) of the 1953 Act, had become infructuous. It is further submitted that the notice in Form “N” was not served upon the petitioners except Dhan Singh (petitioner No. 2) and the same could not be deemed to have been served on all the petitioners.

3.1 With the aforesaid submissions, prayer has been made for setting aside of the impugned order dated 24.05.1995 (Annexure P-6), whereby the ejectment order dated 29.06.1987 (Annexure P-3) passed by learned Assistant Collector 2<sup>nd</sup> Grade, Tohana, was upheld.

4. Per contra, learned senior counsel appearing for respondent No. 5 opposed the submissions made on behalf of the counsel for the petitioners by submitting that Smt. Vidyawanti initiated proceedings against the petitioners under Section 14-A(ii) of the 1953 Act by submitting an application under Form “M” for recovery of rent and in default, ejectment of petitioners was sought. It is submitted that upon the aforesaid application, a notice in Form “N” was served upon the petitioners on 04.03.1983, however no rent/*batai* was deposited by the petitioners within a period of 30 days from the date of receipt of notice in Form “N”, rather they contested the application on the ground that they had become owners of the land in dispute by way of purchase and there was no relationship of

landlord and tenant between the parties. In this regard, learned senior counsel for respondent No. 5 has placed reliance upon Annexure R-5/1. It is contended that since the petitioners failed to pay the rent/*batai* within a period of 30 days from the date of receipt of notice in Form “N”, no further period was required to be afforded to them, therefore their ejectment was rightly ordered vide order dated 29.06.1987 (Annexure P-3) passed by learned Assistant Collector 2<sup>nd</sup> Grade, Tohana; which has been upheld by the learned Financial Commissioner, Haryana; vide impugned order dated 24.05.1995 (Annexure P-6). Accordingly prayer for dismissal of the writ petition has been made.

5. Heard

6. The filing of application in Form ‘M’ and the receipt of notice in Form ‘N’, is not disputed and the same is also corroborated from the stand taken by the petitioners in their reply filed to the application under Section 14-A(ii) of the 1953 Act, wherein it has been *inter alia* stated that Forms ‘M’ and ‘N’, have not been filled up properly and in accordance with law.

6.1 It has come on record that the notice in Form “N” was served upon the petitioners on 04.03.1983 and evidently, the amount of rent/*batai* was not deposited by the petitioners within a period of 30 days from the date of receipt of notice in Form “N” on 04.03.1983.

7. The only issue for consideration before this Court is as to whether the period of one month for payment of rent/*batai* could be extended; as was done by the learned Assistant Collector 2<sup>nd</sup> Grade, Tohana, vide initial order dated 06.02.1984 (Annexure P-1).

7.1 The aforesaid issue is no more *res integra*, as the same stand conclusively decided by a Full Bench of this Court in ***Gurmej Singh and***

*others versus Financial Commissioner and others, 1980 PLJ 603;*

wherein it was held as under:-

*"27. The upshot of the above discussion is that the effect of the combined reading of section 14-A(ii) of the Act, Rule 22 of the Form 'N' prescribed therein is that the period of one month as prescribed in the said notice of demand as issued by the Assistant Collector, II Grade, during which the arrears of rent can be paid by the tenant, is statutory and no jurisdiction is vested in the Assistant Collector, II Grade, before whom the application for demand is made in the first instance, the appellate Authority, or the Revising Authority, as the case may be, to extend this statutory period under any circumstances, whether objection raised by the tenant in reply to the demand notice relates to the non-liability to pay the arrears in whole or in part. In view of this conclusion, there is no escape from holding that the decision in Balwant Singh's case (supra) that in case the demand of the landlord in the notice of demand was challenged by the tenant as being excessive, it was not obligatory on the tenant to make the payment of even a part of the demand about which he did not raise any dispute and that the Assistant Collector, II Grade has to grant a fresh opportunity to make payment after the final decision regarding the objection of the tenant, was not correct and is set aside. Similarly, in the ratio of decision in Smt. Sham Kaur's case (supra) correct law was not laid down in holding, though indirectly, that the Assistant Collector, II Grade, had jurisdiction to extend time for payment of arrears of rent by the tenant though the period as prescribed in the notice of demand under Form 'N' has already expired."*

7.2 When the case in hand is seen in the light of the aforesaid authoritative pronouncement in **Gurmej Singh's case (supra)**, it leaves no manner of doubt that when notice in Form 'N' is served upon the tenant then the amount of rent/*batai* was required to be paid within a period of 30 days from the date of receipt of such notice in Form 'N'.

7.3 In the present case, since the notice in Form 'N' was served upon the petitioners on 04.03.1983 and the payment of rent/*batai* for the relevant period was not made within the stipulated period of 30 days, in those circumstances, the petitioners were rightly ordered to be ejected from the land in dispute vide order dated 29.06.1987 (Annexure P-3) passed by learned Assistant Collector 2<sup>nd</sup> Grade, Tohana; which has been upheld by the learned Financial Commissioner, Haryana; vide impugned order dated 24.05.1995 (Annexure P-6).

8. In view of the above, I find no merit in the present writ petition and the same is accordingly, dismissed.

9. All pending application/s, if any, shall also stand closed.

**April 08, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No