



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

LPA-662-2025 (O&M)
Date of decision: 29.07.2025

Avtar Singh and others

....Appellants

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Tarundeep Kumar, Advocate,
for the appellants.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-1703-LPA-2025

Delay of 292 days in filing the accompanying appeal has been satisfactorily explained. Accordingly, the application is allowed, and the delay of 292 days in filing the accompanying appeal is condoned.

LPA-662-2025

1. This intra-court appeal, filed under Clause X of the Letters Patent, is directed against an order and judgment dated 13.03.2024, rendered by the learned Single Judge, vide which, writ petition filed by the appellants-petitioners, has been dismissed.

2. In brief, the facts of the case, which led the appellants to the current stage, are that the property in question was purchased by respondent No.4 in an open auction that was held on 31.12.1975. Whereafter, he sold the said property to the appellants on 27.05.1982,



and thus, they became the transferees. However, the said auction was subject to the condition that the original auction purchaser would not alienate the property, for a period of 20 years, in favour of any non-scheduled caste person.

3. Accordingly, the learned Single Judge, while giving reference to Rule 8(i) of the Punjab Package Deal Properties (Disposal) Rules, dismissed the writ petition, observing that the transfer made in favour of the petitioners-appellants has rightly been cancelled. The relevant part of the findings returned by the learned Single Judge reads as under:-

“.....He has submitted that this condition restricting the sale for a period of 20 years is clearly provided in Rule 8(i) of Punjab Package Deal Properties (Disposal) Rules, 1976. This Rule 8 reads as follows:-

“(8) Bar on the alienation of the land purchased in restricted auction:

(i) Where any land has been sold in restricted auction, the auction purchaser shall not be entitled to lease, transfer, sell, mortgage with possession or otherwise alienate or part with the land wholly or partly, so purchased, in any manner, in favour of a person, who is not a member of the Scheduled Castes or Backward Classes, for a period of 20 years, provided that the land may be pledged in favour of a Government or Semi-Government Corporation, or Co-operative Financing Institution, for securing loan for effecting improvements on the said land.”

(ii) An auction purchaser in restricted auction shall cultivate the land so purchased himself or through



any member of the Scheduled Castes or Backward Classes only.

(iii) If an auction purchaser in restricted auction violates any of the conditions, Tehsildar (Sales) or Naib-Tehsildar (Sales) shall be competent to cancel the sale, forfeit the amount already paid, and resume the land, after giving due notice to him.

Learned counsel has further submitted that the issue involved in the present petition has already been dealt in the Full Bench of this Court titled as Smt. Niranjana Kaur and others Vs. The Financial Commissioner, Revenue & Secretary to Government, Punjab and others passed in CWP-5662-1986 decided on 16.07.2010 which has been subsequently followed in the judgment titled as Bahal Singh and others Vs. Financial Commissioner (Appeals), Punjab and another passed in CWP-2745-1994 decided on 19.12.2013 and thus, the issue involved in the present petition has already been settled by this Court in the abovementioned judgments. He has submitted that there being no merit in the petition, the same deserves to be dismissed.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the land in dispute was purchased in an auction by respondent No.4 on 31.12.1975. This was restricted auction wherein there was a clear condition that the auction purchaser could not alienate the same before 20 years to a non-scheduled caste. The Rule 8 has already been reproduced above. This is an admitted fact that respondent No.4, the auction purchaser, has sold this land to the petitioners in violation of the condition as incorporated in the sale certificate issued to respondent No.4. Thus, by selling the land to the petitioners, respondent No.4 had violated the mandatory condition. Resultantly, this sale by respondent No.4 in favour of the petitioners was cancelled



on 31.12.1975. The revision filed against the same was also dismissed by the Commissioner vide his order dated 11.12.1996. The controversy involved has been dealt with by this Court in Niranjana Kaur's case (supra) which has been further followed in Bahal Singh's case (supra). The law settled could not be denied by the counsel for the petitioners. Thus, from the facts and circumstances of the present case, it is apparent that the issue involved in the present case has already been settled. Hence, this Court does not find any infirmity in the impugned order passed and thus, the present petition is hereby dismissed.

4. The abovesaid position, as noticed by the learned Single Judge, is not in dispute. Once that be so, the consequences, in terms of Rule 8(i) of the Rules, shall have to follow.

5. In this view of the matter, we find no reason to dissuade with the findings returned by the learned Single Judge. Accordingly, the appeal is dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

29.07.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No