



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

CWP-1850-2000 (O&M)
Date of decision : 23.05.2025

RATTAN SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Himani, Advocate
for Mr. Ashish Kapoor, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

HARSH BUNGER, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 06.07.1999 (Annexure P-4).

2. Briefly, petitioner-Rattan Singh submitted a declaration dated 16.08.1976 under Section 9 of the Haryana Ceiling on Land Holdings Act, 1972 (for short 'the 1972 Act'); wherein, it was stated that he owned 462 *kanals*–3 *marlas* ordinary land on 24.01.1971; out of which, 10 *kanals*–5 *marlas* area was declared surplus under the Punjab Security of Land Tenure Act, 1953 (for short 'the 1953 Act') and accordingly, only 452 *kanals*–8 *marlas* ordinary area was left with him.

2.1 It appears that Rattan Singh (petitioner) claimed in his declaration that there are three members in the priority unit and one member was shown in the first unit; however, upon verification, it was found that there were only three members in the priority unit and there was no member either in the additional or the first unit. Accordingly, it was found that there was only one unit of land owner-Rattan Singh.

2.2 The learned Collector, Agrarian, Hansi, afforded various opportunities to the land owner-Rattan Singh to produce the certificate of age in respect of member Raj Kumar, whose age was shown as three years as on 24.01.1971 nor it was shown that another member namely, Ram Kumar (qua whom, a separate unit was being claimed) was major on 24.01.1971. Consequently, the learned Collector, Agrarian, Hansi vide order dated 23.01.1978 (Annexure P-1) declared 223 *kanals-16 marlas* (category 'C' land) as surplus in the hands of Rattan Singh.

3. According to the petitioner, he filed an application seeking review of the afore-said order dated 23.01.1978 (Annexure P-1) passed by the learned Collector, Agrarian, Hansi; which is claimed to have been allowed vide order dated 22.05.1979, holding that there was no surplus area in the hands of the petitioner as he was entitled to one separate unit. A copy of the said order has not been placed on record. Petitioner states that the said order dated 22.05.1979 had attained finality.

4. It transpires that the State of Haryana filed a revision petition (***ROR-147 of 1997-98***) challenging the order dated 22.05.1979, which came to be allowed vide order dated 06.07.1999 (Annexure P-4) passed by the learned Financial Commissioner, on the ground that there is no provision of filing review under the 1972 Act.

5. In the afore-mentioned circumstances, the present writ petition has been filed by the petitioner before this Court.

6. Heard.

7. The only issues which arises for consideration before this Court is as to whether “*the prescribed authority under the 1972 Act was vested with power of review?*”

8. At the outset, it is required to be noticed that the power of review is a creation of a statute and unless a statute specifically provides for a power of review, no authority has any inherent power of review. In this regard, reference can be made to the judgment of Hon’ble the Apex Court in ***Kalabharati Advertising vs Hemant Vimalnath Narichania and others, 2011(1) RCR (Civil) 216***; wherein, the following observations were made :-

*“12. It is settled legal proposition that unless the statute/rules so permit, the review application is not maintainable in case of judicial/quasi-judicial orders. In absence of any provision in the Act granting an express power of review, it is manifest that a review could not be made and the order in review, if passed is ultra-vires, illegal and without jurisdiction. (vide: **Patel Chunibhai Dajibha v. Narayanrao Khanderao Jambekar & Anr., AIR 1965 Supreme Court 1457**; and **Harbhajan Singh v. Karam Singh & Ors., AIR 1966 Supreme Court 641**).*

*13. In **Patel Narshi Thakershi & Ors. v. Shri Pradyuman Singhji Arjunsinghji, AIR 1970 Supreme Court 1273**; **Maj. Chandra Bhan Singh v. Latafat Ullah Khan & Ors., AIR 1978 Supreme Court 1814**; **Dr. Smt. Kuntesh Gupta v. Management of Hindu Kanya Mahavidhyalaya, Sitapur (U.P.) & Ors., AIR 1987 Supreme Court 2186**; **State of Orissa & Ors. v. Commissioner of Land Records and Settlement, Cuttack & Ors., (1998) 7 SCC 162**; and **Sunita Jain v. Pawan Kumar Jain & Ors., 2008(1) RCR (Criminal) 954 : 2008(1) R.A.J.563 : (2008) 2 SCC 705**, this Court held that the power to review is not an inherent power. It must be*

conferred by law either expressly/specifically or by necessary implication and in absence of any provision in the Act/Rules, review of an earlier order is impermissible as review is a creation of statute. Jurisdiction of review can be derived only from the statute and thus, any order of review in absence of any statutory provision for the same is nullity being without jurisdiction.

14. Therefore, in view of the above, the law on the point can be summarised to the effect that in absence of any statutory provision providing for review, entertaining an application for review or under the garb of clarification/ modification/ correction is not permissible.”

9. Now coming to the provisions contained under the 1972 Act, it is apposite to state that initially, the Haryana Ceiling of Land Holdings Act, 1972 provided for review under sub-section 3 of Section 18 of the 1972 Act, which read as under :-

“Section 18 – Appeal, Review and Revision

(1) Any person aggrieved by any decision or order of the prescribed authority, not being the Collector, may, within thirty days from the date of the decision or order, prefer an appeal to the Collector in such form and manner as may be prescribed ;

(2) xxx xxx xxx

(3) The provision in regard to review under this Act shall be the same as provided in Section 82 of the Punjab Tenancy Act, 1887 (Punjab Act, 16 of 1887);

(4 to 6) xxx xxx xxx”

9.1 The above extracted provision of review as provided under sub-section 3 of Section 18 of the 1972 Act, came to be deleted vide Haryana Ceiling on Land Holdings (second amendment) Act, 1976 i.e. Haryana Act No.40 of 1976.

9.2 Accordingly, it is held that the prescribed authority under the 1972 Act (after the Haryana Act No.40 of 1976) did not have the power of review.

10. Keeping in view the above, once the statute i.e. the 1972 Act, itself does not provide for any power of review to be vested with the prescribed authority, the order dated 22.05.1979 passed upon a review petition filed by the petitioner was wholly without jurisdiction and the same was rightly set aside by the learned Financial Commissioner, vide impugned order dated 06.07.1999 (Annexure P-4).

11. In this view of the matter, I do not find any merit in the writ petition and the same is, accordingly, dismissed.

12. All pending applications (if any) shall also stand closed.

May 23, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No