



RSA-2231-2001

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

RSA-2231-2001 (O&M)
Date of Decision: 06.11.2025

STATE OF PUNJAB AND ORS

....Appellants

Versus

MALKIAT SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gurpreet Singh Fateh, Sr. DAG Punjab.
 for the appellants.

Ms. Ritu Punj, Advocate,
Mr. Sahaj Punj, Advocate and
Ms. Shivani, Advocate
for the respondent.

Parmod Goyal, J. (Oral)

State is aggrieved by the impugned judgment and decree dated 14.12.1999, passed by learned Civil Judge (Junior Division), Khanna and judgment and decree dated 27.01.2021, passed by learned Additional District Judge, Ludhiana, vide which suit for permanent injunction restraining the appellants/defendants from setting aside the sale of plot No.246 and restraining the appellants/defendants from dispossessing the respondent/plaintiff from the plot in any manner was decreed and first appeal preferred by appellants/defendants was dismissed by First Appellate Court.

2. The sole argument raised by learned counsel for appellants to



challenge the impugned judgments and decrees is based upon provisions of Sections 14 and 15 of East Punjab Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 (referred to as 'Act').

3. Sections 14 and 15 of East Punjab Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 are reproduced for ready reference :-

“14. Exclusion of jurisdiction of Civil Courts:- No suit or application shall lie in any civil, criminal or revenue court with regard to any sale, lease or grant made under this Act, or to call in question any order of resumption of a site or building or forfeiture of money or for recovery of arrears, passed under this Act.

15. Protection of officers:- No suit or prosecution or any other proceedings shall lie against the (State) Government, Rehabilitation Authority or any other person acting or purporting to act under this Act or the powers conferred by the rules made under this Act.”

4. It is the case of appellants that the Civil Court had no jurisdiction in view of the provisions of Sections 14 and 15 of East Punjab Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 as it could not adjudicate the matters relating to sale, lease and grant made under this Act. On first look, the argument raised on behalf of appellants appears to be very attractive, however, on closer look the same is liable to be rejected. It is worth noticing that respondent/plaintiff had preferred suit for permanent injunction for restraining the appellants/defendants from cancelling sale in his favour and for dispossessing plaintiff from the plot No.246 measuring 667 sq. yds. It was the case of respondent/plaintiff that he had purchased suit property in an open auction conducted by the authorities on 16.09.1981. Respondent/plaintiff being highest bidder was declared successful for a total sale consideration of Rs.39,000/-. The auction was conducted by Naib



Tehsildar (Sales)-cum-Managing Officer, Ludhiana. The auction amount was deposited after approval by Deputy Secretary (Rehabilitation). The sale was also confirmed in favour of respondent/plaintiff by Deputy Secretary (Rehabilitation)-cum-Deputy Commissioner on 03.02.1982. Respondent/plaintiff had accordingly paid the earnest money as well as balance sale consideration. The possession of plot was delivered to respondent/plaintiff by appellants/defendants and since 1982 it is respondent/plaintiff who is in possession of the suit property. Sale certificate under Rule 6/6 (XIV) was also issued on 20.03.1985.

5. It is the case of respondent/plaintiff that after issuance of sale certificate mutation was entered in favour of respondent/plaintiff. Thereafter, on the basis of order passed on 09.02.1984 appellants/defendants put the plot for re-auction with direction to defendant No.3 to initiate proceedings to set aside the sale certificate on the ground that market prices at that time was not got approved from competent authority by Naib Tehsildar (Sales). The respondent/plaintiff has sought setting aside of order dated 09.02.1984, passed behind his back.

6. In the present case, neither Section 14 nor Section 15 of East Punjab Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 would be applicable as with delivery of possession, confirmation of sale, issuance of sale certificate and mutation thereof, the proceedings under provisions of Act stood completely exhausted. Subsequent effort on the part of appellants to re-open the auction is totally arbitrary and colourable exercise of powers behind the back of respondent/plaintiff and, therefore,



Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 as the order being challenged is not an order under the provisions of 1948 Act. The order dated 09.02.1984 was passed at the back of plaintiff/respondent in violation of principle of natural justice and is void *ab initio*. Learned counsel for State could not show any power or provision justifying recall of auction after same is complete. The order dated 09.02.1984 was beyond jurisdiction of authorities, therefore, protection under Sections 14 and 15 is not available against such order.

7. There is no material on record to show that reserve price fixed for auction was not in accordance with Act or Rules, hence provisions of Sections 14 and 15 of East Punjab Refugees Rehabilitation (Buildings and Building Sites) Act, 1948 are not applicable. Concurrent finding of both the Courts is based upon evidence led by parties, therefore, cannot be faulted with. No question of law arises. There is no merit in the present appeal, hence is dismissed.

06.11.2025

chiranjeev

**(PARMOD GOYAL)
JUDGE**

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No