



LPA-498-2022 (O&M) and other connected cases

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

**1) LPA-498-2022 (O&M)
Date of decision: 26.11.2025**

PAWAN KUMAR AND ANR. ...APPELLANTS

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENTS

2) LPA-842-2022 (O&M)

HAWA SINGH AND ANR. ...APPELLANTS

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENTS

3) LPA-845-2022 (O&M)

KRISHAN KUMAR AND ORS ...APPELLANTS

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

**Present: Mr. Aayush Gupta, Advocate
for the appellant(s) in LPA-498-2022.**

**Mr. Jawahar Narang, Advocate
for the appellant(s) in LPA-842-2022 and LPA-845-2022.**

**Ms. Anita Balway, Advocate
for the respondents(UOI).**

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the above mentioned appeals common question of law and facts are involved, so all the appeals are being disposed of by a common judgment. For brevity, facts are being taken from LPA-498-2022 titled as “Pawan Kumar and

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2. By way of these appeals filed under Clause X of the Letters Patent, the appellant(s) challenge the order dated 30.05.2022 of this Court, through which the Railway Authority ordered their eviction from property bearing 474/20 and 475/20 situated at opposite Altas Factory, Sonapat under the Public Premises (Eviction of Unauthorised Occupant) Act, 1971 [hereinafter referred to as 'Public Premises Act, 1971].

3. Learned counsel for the appellant(s) submit that before seeking eviction of the appellant(s), the Railway Authorities were required to prove that ownership of the land in question belongs to the Railways but not even a single document has been brought on record to prove the same. Learned counsel for the appellant(s) further submit that though the notices were issued but the reply could not be filed in time because of the Pandemic of Covid-19, which had adversely affected the appellant(s) ability to raise their plea that the land in question, from which the eviction is being sought, is not the property of the Railways.

4. Learned counsel appearing on behalf of the respondents-UOI submits that the ownership of the land is being claimed on the basis of a site plan by which, the Railway had acquired the land in the village in question. Hence, once the land was acquired, the Railway has to be treated as the owner of the land and therefore, it has the jurisdiction to seek eviction under the Public Premises Act, 1971.

5. Learned counsel for the appellant(s) submit that no document showing the date or details of the alleged acquisition has been brought on record to support the said allegations and a mere site plan will not confer the title of the land in question upon them, hence, the Authorities have passed an order directing the eviction of the appellant(s) without first ascertaining whether the land actually belong to the Railway or not.



record.

7. The first question which needed to be decided for evicting an unauthorized occupant from a government premises/land is whether the land actually belong to the government. In the present case, as of now, no such document has been brought on record to show that the land actually belongs to the Railways, from which the eviction is being sought. Though, even the appellant(s) do not have any document to show the ownership of the land in question, only possession has been established not the ownership.

8. Keeping in view the totality of the facts and circumstances, where the ownership of the land in question is yet to be established, and none of the authorities have placed reliance upon any written document showing the ownership of the land in question with the respondent-Railways, the proceedings so undertaken so as to evict the appellant(s) are set aside and the cases are remanded back to the Authorities concerned to decide afresh by taking on record the due documents from the respective parties, first to determine who is the actual owner of the land in question. It is only in case, the Railway is able to prove its ownership of the land, further action for eviction under Public Premises Act, 1971 will be initiated.

[HARSIMRAN SINGH SETHI]
JUDGE

[VIKAS SURI]
JUDGE

26.11.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/Noi