

2025:PHHC:121241



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

**CWP-14262-2024 (O&M)**  
**Date of decision :05.09.2025**

MONA KAPOOR AND ANOTHER

...Petitioners

Versus

THE STATE OF PUNJAB AND OTHERS

...Respondents

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

Present : Mr. Sumit Jain, Advocate  
for the petitioners.

Mr. Harpreet Singh, A.A.G., Punjab.

**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ 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 letter bearing No.18/56/2006-PL-3/16467 dated 22.12.2020 (Annexure P-14) issued by respondent No.2 whereby, the sale or transfer in any other way of the land in question has been stopped.

A further prayer has been made for issuance of a writ in the nature of *mandamus* for directing respondent No.2 to remove the adverse entry in the revenue records.

2. Briefly, the petitioners claim to be the *bona fide* purchasers of land measuring 80 kanals – 0 marla situated at Village Hambran, Tehsil and District Ludhiana; which was earlier allotted to one Ex. Sepoy Lt. Kulwant Singh by the State Government on dated

26.08.2014. It appears that the Ex. Sepoy Lt. Kulwant Singh, while serving in the Army, had fought in the Indo-Pak Conflict of 1971 and suffered a battle casualty whereupon, his right foot was amputated and he was declared permanently disabled.

2.1 It transpires that Ex. Sepoy Lt. Kulwant Singh filed a writ petition (**CWP-387-2010**) before this Court, *inter alia*, seeking a writ in the nature of *mandamus* for directing the State of Punjab to allot 10 ordinary acres of land to him, in terms of the provisions of Punjab Package Deal Properties (Disposal) Rules, 1976 (hereinafter referred to as '1976 Rules'). The said writ petition came to be disposed of, vide order dated 01.12.2011 (Annexure P-5), the operative part of which reads as under :-

*“11. In the light of aforesaid reasons, the instant writ petition is disposed of with liberty to the petitioner to move an application in terms of Rule 4 of the relevant rules within a period of two months from today. In case, such application is made by him, the same shall be sympathetically considered by the competent authority, without adhering to the technical objection of non-filing of the application and by passing a well-reasoned speaking order, within a period of two months thereafter. If a favorable decision to the petitioner is taken by the competent authority, then the allotment of land shall be made to him within a further period of two months. The Registry is directed to send a copy of this order to the respondents forthwith for its strict compliance.”*

2.2 It appears that the aforesaid order dated 01.12.2011 (Annexure P-5) passed by this Court in **CWP-387-2010**, was not complied with, which constrained the Ex. Sepoy Lt. Kulwant Singh to file a contempt petition (**COCP-271-2013**) before this Court. It transpires that the then learned Financial Commissioner (Revenue), Punjab, passed an order dated

20.03.2013, allotting 10 ordinary acres of land in District Tarn Taran, subject to fulfillment of other conditions in the said order.

2.3 In the contempt petition, the aforesaid fact of passing of an order dated 20.03.2013 by the learned Financial Commissioner was placed before this Court and accordingly, the contempt petition (**COCP-271-2013**) was disposed of on 22.03.2013 (Annexure P-7), the relevant extracts of which read as under :-

*“ Reply to the petition by way of affidavit of N.S. Kang, IAS, Financial Commissioner (Revenue), Punjab, Chandigarh dated 21.03.2013 filed in Court, is taken on record.*

*Learned counsel for the respondent submitted that by passing of order dated 20.03.2013, directions issued by this Court, have been complied with.*

*Learned counsel for the petitioner submitted that the order dated 20.03.2013 has been forwarded by the Financial Commissioner (Revenue) and Secretary to Government of Punjab to the Deputy Commissioner for necessary action. The Deputy Commissioner be directed to comply with the aforesaid order within a certain time frame.*

*Learned counsel for the respondent further submitted that after the petitioner fulfills the conditions laid down in the order, the Deputy Commissioner shall pass the required order and also get the possession of the land delivered to the petitioner within a period of two months thereafter.*

*In view of above stand taken by learned counsel for the respondent, the present petition is disposed of with liberty to the petitioner to seek the revival of the same, in case the order is not complied with.”*

2.4 It further transpires that the land was not available in District Tarn Taran, accordingly, the Ex. Sepoy Lt. Kulwant Singh was allotted land in village Hambran, District Ludhiana and even conveyance deed dated 08.11.2013 (Annexure P-8) was executed.

2.5            Thereafter, the present petitioners are stated to have purchased the above-referred *80 kanals* of land from Ex. Sepoy Lt. Kulwant Singh vide separate Sale Deeds i.e. *20 kanals* was purchased by petitioner No.1 vide registered sale deed dated 31.10.2019 (Annexure P-1), *20 kanals* was transferred in the name of petitioner No.2 on 31.10.2019 (Annexure P-2), another *20 kanals* of land was purchased by petitioner No.1 vide sale deed dated 28.02.2020 (Annexure P-3) and the balance *20 kanals* was purchased by petitioner No.2 vide sale deed dated 28.02.2020 (Annexure P-4). It is further stated that the petitioners had also purchased another 10 acres of land from one Smt. Jagir Kaur widow of Sh. Pritam Singh vide sale deeds executed in the year 2019-2020.

2.6            It is the case of the petitioners that at the time of purchase of the land, they have duly verified the revenue records and since, there was no adverse entry recorded against any of the land purchased by them, they proceeded to purchase the land and their names were reflected even in the revenue records. It is stated that after the purchase of the afore-said land, the petitioners have installed a dyeing plant in the year 2020, named '**N.K. Dyeing House**' by investing huge amount for the construction of the same.

2.7            Petitioners claim that in the month of March-2024, due to some financial crises, they wanted to sell the afore-said land; however, they were startled to know that vide letter dated 22.12.2020 (Annexure P-14), an embargo had been put regarding sale/transfer of the land, which was purchased by them from Ex-Sepoy Lt. Kulwant Singh and a red entry in the revenue records has been made. Thereafter, the petitioners approached the revenue authorities with a prayer for removing the red entry from the revenue records; however, no action was taken. It is stated that the

afore-said red entry has been reflected in the revenue records without affording any opportunity of hearing to the petitioners, although, their names were duly reflected in the revenue records.

2.8 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for the relief, as noticed here-in-above.

3. On the other hand, the learned counsel for the respondent-State of Punjab has opposed the petition by referring to the short reply by way of an affidavit of Sh. Jitendra Jorwal, Deputy Commissioner, Ludhiana, the relevant extract of which reads as under :-

*“...It is, humbly submitted that Ex. Sepoy Kulwant Singh became permanently disable in Indo-Pakistan conflict of 1971, and it is apparently clear that only widows of the soldiers killed in Indo-Pakistan conflict of 1971 are covered under this rule, as such Ex Sepoy Kulwant Singh was not entitled for the grant of allotment of 10 Acres of land.*

9. *That in this regard it is also humbly submitted that a Press Note dated 28<sup>th</sup> November, 1975 was issued by the Government of Punjab thereby clarifying the allotment of land to the War Widows of 1971 Indo-Pak War subject to some terms and conditions. As per the said Press Note, only the war widows were entitled for allotment of land, not the permanently disable persons. Only the war widows of 1971 Indo-Pak war were eligible to move applications for allotment of land. Ex. Sepoy Kulwant Singh suffered injuries in the 1971 Indo-Pak war and as per the provisions of Press Note dated 28.11.1975 and Section 4(1)(i) of The Punjab Package Deal Properties (Disposal) Rules, 1976, Ex Sepoy Kulwant Singh was not eligible for allotment of land. The land was allotted to Ex Sepoy Kulwant Singh inadvertently and under pressure of the orders passed by the Hon’ble High Court which were obtained by Ex. Sepoy by misrepresentation. Copy of Press Note dated 28.11.1975 is enclosed as **Annexure R-1**.*

10. That when this mistake came to light, the Government of Punjab Revenue and Rehabilitation Department (Policy and Legal Branch) issued Letter Memo No.18/56/2006-PL-3/16467 Chandigarh, Dated 22.12.2020 with the subject "For Suo Moto Reference for cancellation of 10 Acres of land allotted to Ex. Sepoy Kulwant Singh son of Sh. Atma Singh, resident of Village Sarhali Kalan, Tehsil and District Tarn Taran, a disabled soldier of 1971 Indo-Pak conflict at Village Humbran, Hadbast No.3-J, Tehsil and District Ludhiana in violation of Rules 4(1) of Punjab Package Deal Properties (Disposal) Rules, 1976". It has been clearly ordered in the aforesaid letter that "The matter regarding the allotment mentioned in the subject is under reconsideration of the Government. Therefore, after satisfactorily verifying the khasra numbers shown under 10 Acres of land allotted to disabled soldier Sh. Kulwant Singh S/o Sh. Atma Singh vide letter No.1053/S.C. dated 27.9.2013 by Tehsildar (Sales) Ludhiana (West), the Tehsildar Sales, Ludhiana (West) be directed to stop the sale or transfer in other ways of the land comprised in these Khasra Numbers."

11. That the petitioners have not made Ex. Sepoy Kulwant Singh a party to the petition who is necessary and proper party for proper adjudication of the matter. Hence the petition is liable to be dismissed on this score.

12. That it is humbly submitted that a Review Application No.570 of 2024 in CWP-387 of 2010 decided on 01.12.2011 has been filed in the Hon'ble Punjab & Haryana High Court, which is pending adjudication."

4. At this stage, learned counsel for the petitioners, has handed over a copy of an order dated 15.02.2025 passed in **Review Application No.570 of 2024 in CWP-387-2010** in the Court today, which is taken on record, subject to all just exceptions.

4.1 Learned counsel for the petitioners, while referring to para No.12 of the short reply filed by respondent-State, has submitted that the

***Review Application No.570 of 2024*** filed by the State in ***CWP-387-2010*** has already been dismissed by this Court vide order dated 15.02.2025.

5. Learned counsel for the respondent-State has not disputed the factum of passing of afore-said order dated 15.02.2025 in the Review Application No.570 of 2024 filed by the State of Punjab.

5.1 In view of the above, a specific query was raised to the learned State counsel as to whether the order dated 15.02.2025 has been challenged by the State, to which, learned State counsel has submitted that the order dated 15.02.2025 has not been challenged so far. Accordingly, it can be taken that the order dated 15.02.2025 passed in Review Application No.570 of 2024, has attained finality.

5.2 That apart, even an application (***CM-18297-CII-2023***) filed by the State of Punjab in ***COCP-271-2013*** for seeking recalling of order dated 22.03.2013 (Annexure P-7) has also been dismissed by this Court vide order dated 16.10.2023 (Annexure P-16), the relevant extract of which reads as under :-

*“Prayer in this application is for recalling of the order dated 22.03.2013 passed in COCP-271-2013, on the basis of affidavit of then Financial Commissioner (Revenue), Punjab to the extent that the petitioner was not eligible for allotment of land under Rule 4 of Punjab Package Deal Properties (Disposal) Rules, 1976 before the amendment of 2010 (for short ‘the Rules’).*

*Learned State counsel has argued that on the basis of some wrong concession given by the State, the land was allotted to petitioner Kulwant Singh, though he was not eligible under Rule 4 of the Rules being disable army personnel.*

*In reply, learned counsel for the non-applicant/petitioner submits that CWP-387-2010 was allowed on 01.12.2011 by passing a detailed order and considering the*

*previous order dated 20.11.2008 passed in CWP-8962-2007. It is further submitted that the plea, which the applicant-respondent, has taken now, was very much available, when both the writ petitions were allowed, therefore, at this stage, after a period of about 10 years, no modification can be done in the order dated 22.03.2013. It is also submitted that no modification of judgment dated 20.11.2008 is sought, as the subsequent order is based upon this judgment.*

*After hearing learned counsel for the parties, this Court finds that the two orders passed in the writ petitions have attained finality, as it were not challenged before the higher Court. Even the order, in which the modification is sought, was passed in 2013, that too, in presence of learned State counsel, on the basis of affidavit filed by Financial Commissioner (Revenue) and after 10 years, it cannot be said that the order is liable to be modified.*

*Accordingly, the present application is dismissed.”*

6. After considering the afore-said facts and circumstances, I am of the view that once the land was allotted to Ex. Sepoy Lt. Kulwant Singh upon the orders passed by this Court in **CWP-387-2010** and also the subsequent proceedings in the Contempt Petition (**COCP-271-2013**) and the subsequent attempt by the State to seek recalling of the orders passed in the Contempt petition and also in the afore-said writ petition i.e. **CWP-387-2010**, having failed vide order dated 16.10.2013 (Annexure P-16) and order dated 15.02.2025, respectively and having attained finality, there is absolutely no basis for the revenue authorities to seek *suo-moto* reference for cancellation of 10 Acres of land allotted to Ex. Sepoy Lt. Kulwant Singh, being a disabled soldier of 1971 Indo-Pak conflict. Consequently, the letter dated 22.12.2020 (Annexure P-14) putting an embargo as regards the sale/transfer of the land purchased by the petitioners from Ex. Sepoy Lt. Kulwant Singh, cannot be sustained in the

backdrop of the afore-mentioned factual circumstances. It is worth noticing that the stand taken by the Deputy Commissioner, Ludhiana in para No.9 of the short reply, especially the averment made therein that the land was allotted to Ex. Sepoy Lt. Kulwant Singh inadvertently and under pressure of the orders passed by the this Court, is wholly contemptuous and deprecated.

7. In view of the above discussion, the present writ petition is allowed and the impugned letter dated 22.12.2020 (Annexure P-14) issued by respondent No.2 is hereby quashed and it is directed that the adverse entry made in the revenue records putting an embargo on the sale or transfer in any other way of the land in question, be deleted, forthwith.

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

**September 05, 2025**  
gurpreet

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

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |