

2025:PHHC:154094



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19173-2024 (O&M)
Date of decision :10.11.2025

GURDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Himani Kapila, Advocate
for the petitioner.
[through VC]

Mr. Navneet Singh, Addl. 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 order dated 24.04.2024 (Annexure P-17) passed by the learned Deputy Commissioner-cum-Collector, Ferozepur.

A further prayer has been made by the petitioner for issuance of a writ in the nature of *mandamus* directing the respondents to allot ten acres of *nazool* land situated at village Chak Sarkar @ Dona Jaimal Singh Wala, Tehsil and District Ferozepur, being *ex-serviceman*.

2. The relevant extract of order dated 24.04.2024 (Annexure P-17) passed by the learned Deputy Commissioner-cum-Collector, Ferozepur, reads as under :-

“On receiving order of Hon’ble Court, enquiry was got conducted by Sub Divisional Magistrate, Ferozepur, who vide

his Letter No.575 dated 10/04/2024 has written while sending report that, The Harijan Dulchike Cooperative Joint Farming Society Limited, Dulchike, was registered vide Registration Number 628 dated 08.05.1958 by Assistant Registrar, Cooperative Society Ferozepur and the then Collector, Ferozepur vide Letter dated 27.01.1959 had allotted to 32 members of Harijan Dulchike Cooperative Joint Farming Society Limited, Dulchike with total Rs.16,920/- on the condition of pay the same in 6 installments amounting to Rs.846/- as per Nazool Land (Transfer) Rules 1956. Regarding this, only two instalments were paid by the members of the society. Due to non-payment of instalments and as per Cooperative Principles, due to failure in working, Assistant Registrar, Cooperative Society, Ferozepur on dated 30.04.1963 passed the below mentioned Orders:-

“The Dulchike Cooperative Farming Society Ltd. Village Chak Sarkar Dona Jaimal Wala Tehsil and District Ferozepur did not function in accordance with cooperative principles. As the society did not pay the share money, therefore, the allotment of land was cancelled by the govt. There is strong party faction amongst the members. The president of the society was therefore served with an acknowledgment due notice to remove all the defects within 15 days of the receipt of this notice, failing which the society will be brought under winding up process under Section 57(2)(b) of the Punjab Cooperative Societies Act, 1961. The president received the notice on 28.03.1963 and thereafter the society has neither sent any reply nor removed the objections. I, therefore, order for winding up the society under Section 57(2)(b) of the Punjab Cooperative Society Act, 1961.”

From the above mentioned order, it is clearly established that members of the society did not pay all installments and due to non-becoming eligible as per cooperative principles, Assistant

Registrar, Cooperative Society, Ferozepur had winding up this society.

Assistant Registrar, Cooperative Societies Ferozepur vide his office Letter No.Establishment-1/C.S.F./771 dated 01.04.2024 also written that at present, as per Registered Society, there is no cooperative society with the name of Dulchi Ke Harijan Joint Farming Coop. Society Limited (Under winding up) and no other Joint Farming Society is working in the jurisdiction of A.R. S/S. Ferozepur Circle. Thereafter, he also go through the Nazool Lands Rules of Punjab Government. As per Para No.3(b) of the Nazool Lands (Transfer) Rules 1956 :-

“In the villages where available Nazool land is 10 acres or more and co-operative societies were formed by the heads of the Scheduled Castes families prior to the 16th May, 1964, in accordance with Rule 4 and these Societies still exist, the Nazool land may be allotted to the members of the Scheduled Caste individually up to the unit of Nazool land as defined in clause (e) or Rule 2, provided that the land owned by an individual member and the land allotted to him under these rules shall not exceed the unit of Nazool land. For the purpose of allotment of Nazool land, to the individual members of the scheduled castes who already cultivating such land shall be given preference. In case, there are more than one claimant for the same piece of land, allotment shall be made by the drawing lots.”

It is clearly established from the above mentioned Rules that if Nazool land is allotted to any person then he should be member of the society and society should be active like as per report of Assistant Registrar, Cooperative Societies, Ferozepur, at present none of society is active in Ferozepur District. Applicant is neither member of this society nor this society is active. Due to which, this land could not be allotted to anybody.

Applicant Shri Gurdeep Singh in his application dated 10.10.2023, has mentioned the factum of Ex-Serviceman. Keeping in view the factum of Ex. Serviceman, The Nazool Lands (Transfer) Rules, 1956 has been perused according for Ex-serviceman is mentioned as under :-

In the matter of allotment of Nazool land under sub-rules (a) and (b) above, the ex-serviceman Harijans shall be given preference over other Harijans cultivating Nazool land.

Regarding this, it is written to give first reference of Ex. Serviceman. If land is allotted to Ex. Serviceman even then it is necessary that society is active. Due to non-active of the society, this land could not be given to Ex-Serviceman.

Apart from this, in view of principles of natural justice, applicant Shri Gurdeep Singh son of Shri Narain Singh was called in the office on 22.02.2024 and heard.

Hence, after perusing the documents available on the file and after hearing the applicant, I came to conclusion that applicant Shri Gurdeep Singh son of Narain Singh, resident of House No.8, Chamrang Mandi, Basti Tankan Wali, Tehsil and District Ferozepur is not a member of The Harijan Dulchi Ke Cooperative Joint Farming Society, applicant is only nominee in the society due to which land could not be allotted to him as per Para Number 3(b) of The Nazool Land (Transfer) Rule 1956. Applicant by claiming himself as Ex-Service wants to allot land in his name whereas land could not be allotted to him as per Sub Rules (a) & (b) of The Nazool Land (Transfer) Rules 1956. The society from whom applicant Shri Gurdeep Singh wants to allot land in his favour, that society is not in existence. It is very much necessary to be in existence. Hence, application of the applicant Shri Gurdeep Singh son of Narain Singh, resident of House No.8, Chamrang Mandi, Basti Tankan Wali, Tehsil and District Ferozepur is consigned to the office.”

2.1 A perusal of the above-extracted order would show that there

Dulchike Cooperative Joint Farming Society Ltd, Dulchike”, consisting of 32 members and the said society was allotted land by the then Collector, vide letter dated 27.01.1959 for an amount of Rs.16920/-, which was to be paid in instalments as per the *Nazool* land (Transfer) Rules, 1956 (in short ‘the 1956 Rules’). It appears that the said Society paid only two instalments whereupon, the allotment was cancelled and the afore-said Society was brought under the winding up process under Section 57(2)(b) of the Punjab Cooperative Societies Act.

2.2 It has come on record by way of information received from the Assistant Registrar, Cooperative Societies, Ferozepur, vide his letter dated 01.04.2024 that there was no Cooperative Society as noticed above.

2.3 Petitioner claims that his father Narayan Singh was a member of the afore-said Society and therefore, he is entitled to the allotment of said land; however, the said claim has been rejected by the Deputy Commissioner, Ferozepur by observing that since the afore-said Cooperative Society ceased to exist; therefore, the land could not be allotted to the petitioner.

3. With regard to the afore-said, it would be apposite to refer to the definition of *Nazool* land under Section 2(d) of the 1956 Rules and also the provisions of Rule 3 and Rule 10 of the 1956 Rules, which reads thus :-

“3. Transfer of Nazool land.-(a) *In a village where Nazool Land available is less than 10 acres and is being leased to members of Scheduled Castes, it may be allotted to the present lessees individually upto the limit of a unit of Nazool land provided they do not own any land of their own. Those who own some land, they may be allowed such area as would make up the unit of Nazool land as defined in the rules, when added to their own land, and the rest may be allowed to others.*

[(b) In the villages where available Nazool land is 10 acres or more and co-operative societies were formed by the heads of the Scheduled castes families prior to the 16th May, 1964, in accordance with rule 4 and these Societies still exist, the Nazool land may be allotted to the members of the Scheduled Castes individually upto the unit of Nazool land as defined in clause (e) or rule 2, provided that the land owned by an individual member and the land allotted to him under these rules shall not exceed the unit of Nazul land. For the purpose of allotment of Nazul land, to the individual members of the Scheduled Castes who already cultivating such land shall be given preference. In case, there are more than one claimants for the same piece of land, allotment shall be make by the drawing lots.]

[In the matter of allotment of Nazool land under sub-rules (a) and (b) above, the ex-servicemen Harijans shall be given preference over other Harijans cultivating Nazool Land.]

(c) Nazool land already under self-cultivation of landless persons, of backward classes may be allotted to them, like members of Scheduled Castes in the manner prescribed at (a) and (b) above.

[(d) In the village where agricultural nazool land has not been allotted and for which no eligible persons are available for allotment under Clauses (a), (b) or (c) above should be sold in restricted auction, according to be the procedure prescribed in Annexure 'A' amongst the Scheduled Castes who are dependent on 10 acres agriculture land and do not own more than 10 acres of land. A member of the Schedule Castes who owns less than 10 acres of land will be allowed to bid only to the extent that the land for which the bid is given, together with the land owned by him does not exceed 10 acres.

(e) A landless person dependent on agriculture who is a member of the Scheduled Caste and resides in village in which the land offered for sale is situated shall once be

permitted to participate in the auction. Provided that if after the proceedings of restricted auction sale as above more land is available for sale in village, a landless dependent on agriculture who is a member of the Scheduled Castes and resides in the other village of the same Patwar Circle shall be permitted in the auction of the land provided further that if after the auction of the land as here-in-before laid down still more land is available for sale a landless person dependent on agriculture who is a member of the Scheduled Castes and resides in other villages of the same Kanugo Circle shall be permitted to participate in the auction].

[3A. Mortgaged Nazool lands.- *In the case of Nazool lands mortgaged with possession the Mortgagors rights be transferred to the co-operative Society of Scheduled Castes, where the land is 10 acres or more and to the individual members of Scheduled Castes where it is less than 10 acres, in the manner prescribed in rule 3(a) and (b) and the mortgagee should pay the entire mortgage amount which would be deemed as equal to the sale prices of the land in cases where mortgage money exceeds the price to be charged by Government under rules. Where the mortgage amount is less than the price to be charged according to the rules, the difference between the two amounts should be paid to the Government and the mortgage money to the Mortgagees.]*

[3B. Auction of trees. – *The trees standing on the Nazool lands transferred under these rules should be sold by public auction by the Tehsildar concerned in consultation with the allottees concerned and the sale proceeds should be credited to the accounts of the allottees towards the payments of price of land to the Government. The trees standing on Nazool lands not yet allotted to any one, should be sold by public auction by the Tehsildar concerned and the sale proceeds should be credited into the Government Treasury under the appropriate head of Account.]*

RULE 10

“10. Application for transfer. – (1) A Co-operative Society/[individual member] eligible under these rules for obtaining nazool land shall apply, in form ‘A’ appended to these rules, to the Collector of the District in which the nazool land to be transferred is situate.

(2) On receipt of an application under sub-rule (1), the Collector may make or cause to be made such enquiries as he may deem fit for the purpose of verifying the claim of the Co-operative Society/[individual member.]

(3) If the Collector is satisfied as to the genuineness of the claim of the Co-operative Society/[individual member] he shall record an order to that effect and thereafter he shall take further steps for transferring the land in favour of the society in accordance with these rules.

(4) An order of transfer shall be issued by the Collector in favour of the Co-operative Society/[individual member.]”

4. During the course of hearing of this petition, learned counsel for the petitioner was called upon to point out as to under which provision of the 1956 Rules, the petitioner would be entitled to allotment of land, however, she failed to do so.

4.1 Learned counsel for the petitioner has also failed to dislodge the findings returned by the learned Deputy Commissioner in the impugned order dated 24.04.2024 (Annexure P-17).

4.2 It is also borne out from the letter dated 31.03.2022 (Annexure P-10) that the claim of the petitioner for allotment of land had already been closed by the learned Deputy Commissioner, Ferozepur vide order dated 31.05.2020.

4.3 Apparently, the petitioner has neither placed on record the copy of order dated 31.05.2020 nor any challenge thereto had been made.

5. Keeping in view the above discussion, I see no compelling reason, which may warrant interference by this Court. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.
6. All pending applications (if any) shall also stand closed.

November 10, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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