2025:PHHC:085604-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1990-2025 (O&M)
Date of Decision: July 11, 2025

State of Haryana and others .....Appellants

Versus

Daljeet Singh and others .... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sukhdeep Parmar, Addl. AG, Haryana for the appellant.

****

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 28.11.2024 passed by learned Single Bench whereby CWP-13368-1994 filed by respondents/writ petitioners has been allowed.

2. Brief facts necessary for adjudication of matter are that respondent/writ petitioners filed abovesaid writ petition for setting aside order dated 06.06.1994 passed by Financial Commissioner, Haryana whereby order dated 08.03.1978 passed by Collector (Agrarian)-cum-Prescribed Authority, Panipat constituted under Haryana Ceiling on Land Holdings Act, 1972 (for short – '1972 Act') has been revised.

3. It is matter of record that Collector, Panipat in respect to land owned by father of petitioner No. 1, vide order dated 08.03.1978 concluded that sale of 327 kanals 4 marlas of land by two of his daughters, to whom he had transferred this land after 23.12.1972 was bonafide and in favour of vendees who were of different castes and not related to the vendor in any manner. Father of petitioner No. 1, it is stated, has not shown his son as major in his affidavit and as such he was entitled to one unit. It was, thus, ordered that as per provisions of Haryana Ceiling of Land Holdings Act, he can retain 431 kanals of land as his permissible area of one unit. As he had only 33 kanals of C category area, the Act did not apply to him. State of Haryana instead of filing appeal for challenging order dated 08.03.1978 filed a revision petition under Section 18(6) of 1972 Act in the year 1991. Revision Petition was allowed on 06.06.1994 (Annexure P6). Commissioner vide said order dated 06.06.1994 set aside order dated 08.03.1978 and concluded that after allowing permissible area of 431 kanals of 'C' category land, balance of his holding measuring 416 kanal 2 marlas of 'C' category would be surplus area to be available for utilization under provisions of the Act and Haryana Utilization of Surplus Area Scheme, 1976. Matter was remanded to Prescribed Authority, Panipat for permitting legal heirs an opportunity to chose permissible area bearing in mind provisions of Section 9(3) of 2017 Act and direction issued to Prescribed Authority to take steps to utilize surplus area in accordance with law. Aggrieved therefrom, CWP-13368-1994 was filed.

4. Learned Single Bench on considering the facts and circumstances found merit in the pleas raised by respondent/writ petitioners. While referring to various judgments of Hon'ble the Supreme Court in **M/s**

S.B. Gurbaksh Singh Vs. Union of India and other (1976) 2 SCC 181; State of Punjab and others Vs. Bhathinda District Cooperative Milk Producers Union Ltd. (2007) 11 SCC 363 and **Sharda Devi Vs. State of Bihar and another', (2003) 3 SCC 128,** it was held that Collector, Panipat had concededly passed the order in respect to land of petitioners on 08.03.1978. State preferred not to file an appeal against the same but revision petition was filed in the year 1991 which was allowed by Financial Commissioner on 06.06.1994. No period of limitation is prescribed for filing the revision petition under Section 18(6) of 1972 Act. In this regard, it was held by learned Single Bench as under:-

> "9. From the perusal of above quoted Section, it is evident that the limitation period of 15 days has been prescribed to file appeal and 30 days to file revision before Commissioner. No limitation period has been prescribed for exercising suo motu power of revision. Under sub-section (4), the power of revision is vested in Commissioner whereas suo motu power of revision is vested in Financial Commissioner under sub-section (6). Under sub-section (4), power is exercised on the application of aggrieved person whereas under sub- section (6) power is exercised suo motu. It is a settled proposition of law that suo motu power of revision can also be exercised on the application of aggrieved person. Under Section 18(4) of 1972 Act, a revision lies to Commissioner, if an order is passed by the Collector whereas Financial Commissioner can revise order of any authority subordinate to him meaning thereby, he can revise orders even of the Commissioner.
>
> 10. In the instant case, the order was passed by Collector, thus, revision was maintainable before Commissioner, however, respondent preferred to file revision before Financial Commissioner and only intent was to avoid the restriction of limitation period. Revision before Commissioner could not be

filed beyond 30 days, thus, respondent opted to file revision before Financial Commissioner. The revision before Commissioner could very well be filed by the respondent and it is doubtful whether revision before Financial Commissioner could be filed by any aggrieved person when there is specific provision for revision by the aggrieved person. Without adverting to said issue, matter is adjudicated on the basis of limitation.

11. There is no limitation period prescribed under sub-section (6), however, it is trite law that power of revision cannot be exercised at any point of time. In the absence of specific period of limitation, the power is required to be exercised within reasonable period. It is duty of the Court to determine reasonable period of limitation which depends upon facts and circumstances of each case.

A three Judge Bench of Supreme Court in '**M/s S.B. Gurbaksh Singh Vs. Union of India and other' (1976) 2 SCC 181** while adverting to power of Revisionary Authority to revise the order of Assistant Commissioner, has held that where no time limit has been prescribed to excise suo motu power of revision, the Revisionary Authority is bound to initiate the proceeding within a reasonable time. So, any unreasonable delay in exercising may affect its validity. What is reasonable time will depend upon the facts and circumstances of each case. A similar view has been taken by Supreme Court in the case of '**State of Punjab and others Vs. Bhathinda District Cooperative Milk Producers Union Ltd.' (2007) 11 SCC 363**.

In '**Sharda Devi Vs. State of Bihar and another', (2003) 3 SCC 128**, Supreme Court while adverting to Sections 18 and 30 of Land Acquisition Act, 1894 (for short '1894 Act') has held that no period of limitation has been prescribed under Section 30 of 1894 Act and where no period of limitation for exercise of any statutory power is prescribed, the power should be exercised within a reasonable period which depends upon the facts and circumstances of each case. The relevant extracts of judgment are reproduced as below:

> "By reference to limitation under Section 18 the written application requiring the matter to be referred by the Collector for the determination of the court shall be filed within six weeks from the date of the Collector's award if the person making it was present or represented before the Collector at the time when he made his award or within six weeks of the notice from the Collector under Section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire. There is no such limitation prescribed under Section 30 of the Act. The Collector may at any time, not bound by the period of limitation, exercise his power to make the reference. The expression "the person present or represented" before the Collector at the time when he made his award would include within its meaning a person who shall be deemed to be present or represented before the Collector at the time when the award is made. No one can extend the period of limitation by taking advantage of his own wrong. Though no limitation is provided for making a reference under Section 30 of the Act, needless to say, where no period of limitation for exercise of any statutory power is prescribed, the power can nevertheless be exercised only within a reasonable period; what is a reasonable period in a given case shall depend on the facts and circumstances of each case.""

5. It was concluded that period of 16 years cannot be termed to be reasonable period, thus, impugned order dated 06.06.1994 having been passed beyond reasonable period of limitation, was unsustainable.

6. Learned counsel for appellant made a valiant effort to urge that impugned order dated 28.11.2024 has been incorrectly passed by learned Single Bench without considering the controversy in its correct perspective.

However, he is unable to explain the reason for in-action of appellant for the period of 16 years.

7. It is a settled position that where no time limit has been prescribed in the Statute for taking steps to impugn a particular order, it is imperative that necessary steps are taken by concerned party within a reasonable period of time. In this case, reliance has been correctly placed by learned Single Bench on the judgments of Hon'ble the Supreme Court as have been detailed in the foregoing paras.

8. Learned counsel for appellant is unable to point out any ground leave alone reasonable ground, available on record, to justify this delay of over 16 years.

9. As the matter has been adjudicated upon on its merits, application seeking condonation of delay of 188 days in filing the appeal is rendered academic and is disposed of accordingly.

10. Keeping in view the above, this appeal is dismissed.

11. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 11, 2025
Rts

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