

139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20951-2025 (O/M)
Date of decision : 06.11.2025

Bir Singh Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Pankaj Mulwani, Senior DAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondent No. 3-Sub Divisional Officer (Civil)-cum-Allotment Authority/Prescribed Authority, Rohtak (in short 'Prescribed Authority') to issue Form U.S.-4 to the petitioner regarding land measuring 27 Kanal – 11 Marla, situated at village Gharauthi, Tehsil and District Rohtak, which was originally allotted to predecessor-in-interest of petitioner, namely, Kidar Singh son of Jugga Ram.

1.1 A further prayer has been made for directing concerned Tehsildar to enter and sanction mutation in favour of the petitioner.

2. Briefly, one Kidar Singh son of Jugga Ram is stated to have allotted land measuring 27 Kanal – 11 Marla, vide allotment letter dated 18.11.1977 (Annexure P-1). It is averred that the aforesaid Kidar

Singh expired on 29.07.2008, however, possession of allotted land has not been delivered to him. It is further averred that due to family circumstances and financial constraints, the amount required to be deposited, in terms of aforesaid allotment letter dated 18.11.1977 (Annexure P-1) could not be deposited.

2.1 It transpires that the petitioner deposited an amount of Rs. 32,577 on his own in the Government treasury, vide receipt dated 05.05.2015 (Annexure P-5). It is submitted that upon receipt of said amount, the petitioner has become full-fledged owner of allotted land, in terms of 15 (5) of Haryana Ceiling on Land Holding Act, 1972 (in short '1972 Act') and also became entitled to enter and sanction the mutation in his favour in revenue record. The petitioner is stated to have submitted representations dated 24.01.2023 (Annexure P-6) and 20.02.2023 (Annexure P-7) in this regard.

2.2 It is averred by the petitioner in para 8 of instant civil writ petition that he had filed an application under the Haryana Utilization of Surplus and Other Areas Scheme, 1976 (in short '1976 Scheme') before the Prescribed Authority, however, same was dismissed on the ground of delay, vide order dated 29.01.2018 and even further appeal before the learned Commissioner, Rohtak Division, Rohtak (in short 'Divisional Commissioner') has been dismissed on the same ground.

2.3 Thereafter, the petitioner preferred a revision petition (ROR 127 of 2022-23) before learned Financial Commissioner, Haryana (in short 'Financial Commissioner'), which has been dismissed as withdrawn, vide order dated 09.02.2025 (Annexure P-8).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. In this case, it appears that one Kidar Singh was allotted 27 Kanal – 11 Marla land, subject to the following terms :-

“1. The total purchase price of the land, building, structure, tubewell, water course including subsidiary works there on Rs. 8987.06 this amount is to be deposited in ten annual equal instalments as indicated below;

2.a. The first installment of Rs. 898.70 shall be deposited before the possession is taken.

b. The next nine instalments as indicated Rs. 898.7 shall be deposited on or before the due date ---

3. In case he fails to take possession within a period of thirty days or such extended period as may be permitted by the allotment authority, the allotment shall be cancelled without any further notice.

4. The allotment shall be abide by the conditions given below :-

xxxxx

xxxxx

xxxxx

Condition of allotment

The Allottee

(a) Shall be liable to pay all Govt. dues levied in respect of the land allotted to him, from the date he takes over its possession.

(b) Shall not be competent to transfer, sell, lease, or mortgage the land allotted to him or transfer his rights there in any manner what so ever to any person till the purchase price and interest, if any there in respect of such land is paid in full.

Provided that subject to the charge created by the sub section (6) of Section 15 of the Act, the allottee may mortgage or create a charge on the land allotted to him for taking loan from Co-operative or National Banks or the State or Central Govt. for making improvement in the land or purchase of agriculture implements and inputs.”

6. During the course of hearing, a specific query was raised to learned counsel for petitioner as to whether the predecessor-in-interest of petitioner, namely, Kidar Singh, had deposited even a single installment in pursuance to aforesaid allotment letter dated 18.11.1977 (Annexure P-1), however, the answer of same was in negative.

7. Evidently, petitioner had approached the prescribed authority by filing an application under the 1976 Scheme, however, same was dismissed on the ground of delay, vide order dated 29.01.2018 and even an appeal filed against the said order was dismissed by learned Divisional Commissioner. Although, copies of said orders have not been placed on record, however, it transpires that a further revision petition filed by the petitioner before learned Financial Commissioner was withdrawn by petitioner, vide order dated 09.02.2025 (Annexure P-8).

8. Upon considering the totality of circumstances, once the petitioner and/or his predecessor-in-interest, namely, Kidar Singh, failed to deposit any amount as per allotment letter dated 18.11.1977 (Annexure P-1) and even an application submitted by the petitioner under the 1976 Scheme stood dismissed by the Prescribed Authority as well as appellate authority and thereafter the revision petition filed by the petitioner stood withdrawn by him, vide order dated 09.02.2025 (Annexure P-8), nothing survives in this writ petition.

9. In view of the above, I see no compelling reason which may warrant interference by this Court under Articles 226/227 of the Constitution of India. Resultantly, the instant writ petition fails and the same is accordingly, dismissed.

10. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

06.11.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No