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

(207) LPA-596-2016 (O&M)
Date of Decision : November 28, 2025

Bhajan Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(2) LPA-635-2016 (O&M)

Balwinder Singh ..Appellant

Versus

State of Punjab and others .. Respondents

(3) LPA-604-2016 (O&M)

Kishori Lal and others .. Appellants

Versus

State of Punjab and others .. Respondents

(4) LPA-609-2016 (O&M)

Harnek Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(5) LPA-610-2016 (O&M)

Krishan Kumar .. Appellant

Versus

State of Punjab and others .. Respondents

(6) LPA-611-2016 (O&M)

Amar Nath .. Appellant

Versus

State of Punjab and others .. Respondents

(7) LPA-613-2016 (O&M)

Mehar Pal Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(8) LPA-615-2016 (O&M)

Surjit Pal Gupta .. Appellant

Versus

State of Punjab and others .. Respondents

(9) LPA-620-2016 (O&M)

Darbara Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(10) LPA-624-2016 (O&M)

Jasvir Singh and others .. Appellants

Versus

State of Punjab and others .. Respondents

(11) LPA-627-2016 (O&M)

Tarsem Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(12) LPA-630-2016

Nirmal Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(13) LPA-631-2016 (O&M)

Rajinderpal Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(14) LPA-632-2016 (O&M)

Kulwant Singh .. Appellant

Versus

State of Punjab and others .. Respondents

(15) **LPA-633-2016 (O&M)**

Joginder Pal Gupta .. **Appellant**

Versus

State of Punjab and others .. **Respondents**

(16) **LPA-634-2016 (O&M)**

Surjit Kaur and others .. **Appellant s**

Versus

State of Punjab and others .. **Respondents**

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

Present: Mr. Arihant Jain, Advocate and
Mr. Kanish Jindal, Advocate,
Mr. Rishav Jain, Advocate,
Ms. Shivaly Singla, Advocate for the appellants in all appeals.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Ms. Manveer Narang, Advocate for respondents No. 5.

Mr. Sanjeev Sharma, Advocate for respondents No. 5 & 6.

<u>HARSIMRAN SINGH SETHI J. (ORAL)</u>

1. By this common order, 16 Letters Patent Appeals, the details of which have been given in the heading, are being disposed of as all these appeals involve the same question of law on similar facts.

2. In the present bunch of appeals, the challenge is to the order dated 22.12.2015 passed by the learned Single Judge in CWP No.26809 of 2014 by which, the orders, which were passed by the respondents under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as '1973 Act') for eviction of the appellants from the premises in question, have been upheld.

3. Certain facts needs to be noticed for the correct appreciation of the issue in hand.

4. The appellants are engaged in the business of truck/bus body building, having their workshop on the G.T. Road on Patiala to Sirhind highway. In the year 1980, the State of Punjab had issued notification under the Land Acquisition Act, 1894 for acquiring the said land in question, where the workshops were existing for setting up the Grain Market at Sirhind. The said acquisition was challenged by the Association, namely M/s Sirhind Truck and Bus Body Builders Association (Regd.), by filing CWP No.4207 of 1984 titled as Joginder Singh etc. vs. State of Punjab etc. The said writ petition was dismissed qua the challenge to the acquisition, which decision of the learned Single Judge was assailed in LPA No.886 of 1985 which also came to be dismissed and the acquisition was upheld by this Court.

5. Feeling aggrieved against the said decision of the Court, the appellants approached the Hon'ble Supreme Court of India and Civil Appeal No.4129 of 1985 was filed, which came to be disposed of vide order dated 12.12.1991 (Annexure P-1), wherein, the acquisition of the land was upheld but the prayer of the appellants that the land owners should be allotted 9 acres of land at another place be looked into and ultimately, an order was passed that 9 acres of land should be allotted to the appellants and the rate to be charged should be the market rate as prevalent on 29.03.1990 which shall be determined by the Financial Commissioner (Development), Punjab. From the date of allotment of the land of 9 acres, three months time be given for eviction of the appellants.

6. Thereafter, the matter remained pending and a letter dated 09.07.1998 (Annexure P-1/A) was issued by the Director, Colonization, Punjab wherein, the appellants were conveyed that in compliance of the order passed by the Hon'ble Supreme Court of India dated 12.12.1991 (Annexure P-

1), the price of 9 acres of land has been fixed at Rs.4.28 crores which should be deposited and communication in this regard should be given within a period of 30 days so that the land could be allotted. It was further mentioned that in case the bank draft of amount of Rs.4.28 crores is not submitted within the stipulated time, it will be presumed that the appellants are not interested in getting the land allotted as per the order dated 12.12.1991 and legal action will be taken for getting the Government land cleared.

7. It is a conceded position that no action was taken by the appellants to deposit the amount of Rs.4.28 crores, which had already been assessed in a meeting which was held between the Financial Commissioner Punjab and the appellants on 20.04.1998, keeping in view the option exercised in the year 1998.

8. Thereafter, as the appellants did not deposit the amount of Rs.4.28 crores, a letter was written to the appellants on 06.10.2006 (Annexure P-2) that as they have failed to deposit the amount of Rs.4.28 crores, which was assessed at a market rate prevalent on 29.03.1990, another opportunity was given to file a reply within a period of 10 days. Despite issuing of the said letter dated 06.10.2006 (Annexure P-2), no action was taken by the appellants to deposit the amount of Rs.4.28 crores.

9. The Government again wrote a letter dated 17.04.2007 (Annexure P-4) to the appellants to submit consent in writing for depositing the said amount and to appear before the authority on 11.04.2007. On seeking extension of time vide letter dated 17.04.2007, the period for depositing the amount was extended upto 04.05.2007. It is a conceded position that the said request of the State was never complied with by the appellants. Rather, the notices dated 06.10.2006 and 17.04.2007 were challenged before this Court in

CWP No.6569 of 2007 by M/s Sirhind Truck and Bus Body Builder Association (Regd.) of which, all the appellants are the members. The said writ petition came to be dismissed by the Division Bench of this Court on 03.11.2008 and thereafter, no action was taken by the appellants in any manner even for depositing the amount of Rs.4.28 crores as assessed pursuant to the meeting held on 20.04.1998 between the Financial Commissioner and the appellants.

10. Thereafter, as the order passed by the Hon'ble Supreme Court of India dated 12.12.1991 (Annexure P-1) only granted three months time to retain the said possession of the land after the allotment of the land in favour of the appellants and as the appellants did not accept the condition of payment of Rs.4.28 crores for allotment of the said land, due to which, the land could not be allotted to them and even the fixation of Rs.4.28 crores was challenged unsuccessfully by the appellants, the notices were issued to the appellants, under the 1973 Act, for their eviction from the premises in question. The appellants appeared and keeping in view the totality of the circumstances, which have been noticed hereinbefore, the orders of eviction were passed against the appellants being unauthorized occupant of the premises in question. The appeals preferred against the order of eviction were also rejected which led to the filing of the CWP No.22848 of 2014.

11. The learned Single Judge after considering all the facts held that as the appellants failed to deposit the amount of Rs.4.28 crores which was a condition precedent for their allotment and the assessment of Rs.4.28 crores though challenged but being unsuccessful, could not have retained the possession, as the possession was only limited to a period of three months after the allotment, which allotment could not be carried out due to inaction on the

part of the appellants, the eviction so ordered is perfectly valid and legal. The said order is under challenge in the present bunch of appeals.

12. It may be noticed that at the time of issuance of notice, the only argument raised was that the appellants are ready to deposit the market rate of the land in question, but even after expiry of 9 years, no such effort has been made to deposit the market rate.

13. Before proceeding further, it may be noticed that keeping in view the affidavit filed by the respondent-State and the information so received by the Office of Advocate General on 27.11.2025, as of now, the market value of the land is Rs.103 crores and as per Collector rates it is about Rs.65 crores.

14. Though, notice of motion was only issued to ascertain whether, the appellants are ready to deposit the amount and the respondents are willing to accept the same but keeping in view the facts mentioned that against a demand of Rs.103 crores, only Rs.4.28 crores are being offered, there is no possibility of the issuance of the settlement on that aspect, hence, the other arguments of the learned counsel for the appellants are being taken into consideration qua the challenge of the order passed by the authorities under the 1973 Act, which have been upheld by the learned Single Judge.

15. The question which has been raised by the learned counsel for the appellants is that till the possession is taken from them, the appellants are to be treated as owner of the land in question and therefore, 1973 Act cannot be made applicable and the reliance is being placed upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.69 of 1969 titled as Raj Kumar Devindra Singh vs. The State of Punjab, decided on 11.09.1972.*** Further reliance is also being placed upon the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.3779 of 2011 titled as Prahlad***

Singh and others vs. Union of India and others, decided on 29.04.2011 to contend that even where the land has been acquired, till the physical possession is taken, the ownership of the land does not vest with Government.

16. Learned counsel appearing on behalf of the respondents, on the other hand, submits that the history which this case indicates is that on one pretext or another, the appellants want to retain the possession of the land for which the compensation has already been paid/deposited.

17. Learned counsel for the respondents further submits that despite the fact that as far back as April, 1998, an offer was made to the appellants to deposit a sum of Rs.4.28 crores, which has not been deposited by them despite various opportunities given upto the year 2007, now it cannot be said that they are owner of the land in question despite acquisition of the said land and compensation deposited so as to be exempted from the applicability of the 1973 Act for their eviction.

18. Learned counsel appearing on behalf of respondent No.5-Punjab Mandi Board submits that after the acquisition of the land, the land has been allotted to the Punjab Mandi Board and they want to develop the land in a manner required for the convenience of the farmers but efforts are being made by the appellants not to vacate the said premises which is causing prejudice to the Punjab Mandi Board also despite being allotted the land in question.

19. We have heard learned counsel for the parties and have gone through the record with their able assistance.

20. The first question which arise is whether, the appellants can retain the possession of the premises as of now to contend that they are the owners of the land in question so as to get exemption from the application of the 1973 Act.

21. It may be noticed that the initial issue raised by the appellants was qua the acquisition of the land, which attained finality upto the Hon'ble Supreme Court of India, whereby it has been held that the land acquired by the State was perfectly valid and legal. Further, it has also come on record that the compensation so awarded has already been given to the land owners and in case the landowner has not come forward to accept the same, the same stands deposited in the Treasury since long.

22. After failing to get the acquisition of land set aside, a further prayer was made by the appellants in the Apex Court to rehabilitate them by granting them 9 acres of land. After getting the view of the State on the said request, the Hon'ble Supreme Court of India directed that 9 acres of land should be allotted to the appellants for their rehabilitation and the market value of the land should be assessed as on 29.03.1990. Further, it was mentioned that after the allotment letters are issued, the appellants will vacate the premises within a period of three months otherwise land will be got vacated by the Government.

23. It is a matter of fact that in pursuance to the order passed by the Hon'ble Supreme Court of India, 9 acres land was identified and even the market value was assessed in a meeting between the Financial Commissioner of the Government of Punjab and the appellants in April 1998 to be Rs.4.28 crores. Despite the determination of the market value, no offer was made to deposit the said amount inspite of repeated demands by the Government of Punjab.

24. The matter remained pending and once again, as the land in question had already been allotted to the Punjab Mandi Board, option was again given to the appellants to deposit the said amount in a time bound

manner so that the identified 9 acres land could be allotted to them. The offer was not acceptable to the appellants as they were not willing to pay Rs.4.28 crores for 9 acres land in the year 2006. Again, in April 2007, last opportunity was given to the appellants to deposit the said amount by 04.05.2007, failing which, action qua their eviction was to be undertaken. Despite notices, the said amount was not deposited, rather, the said notices were challenged on the ground of incorrect market value fixed, which writ petition being CWP No.6569 of 2007 came to be dismissed. Thereafter, no further action was taken by the appellants in the said regard, at any given point of time, so as to secure 9 acres of land as per the order dated 12.12.1991 passed by the Hon'ble Supreme Court of India.

25. As the land in question which was occupied by the appellants, had already been acquired by the Government, which acquisition had already attained finality upto the Hon'ble Supreme Court of India, as back as December 1991, the State started eviction proceedings under the 1973 Act. The said orders were passed directing eviction from the land in question.

26. The argument of the learned counsel for the appellants is that the appellants are the owners of the land in question and therefore, till the possession is taken, the Government cannot claim the ownership and therefore, the application of 1973 Act cannot be made applicable to evict them.

27. In this regard, it may be noticed that the land which is in the possession of the appellants already stood acquired, which acquisition attained finality in the year 1991 and the said land has already been further allotted to Punjab Mandi Board. The only relief given to the appellants was to pay the market price for a piece of 9 acre of land, elsewhere, so as to rehabilitate them. The eviction from the land in question was to be done after three months of the

allotment of the said land. The facts narrated hereinbefore show that the land could not be allotted due to the act attributable to the appellants as they failed to deposit Rs.4.28 crores, which was assessed and communicated in April, 1998. Even after having given the chance to deposit the same upto 04.05.2007, which is 09 years thereafter, the appellants failed to deposit the same. Hence, non-allotment of 9 acres land in pursuance to the direction given by the Hon'ble Supreme Court of India is attributable to the appellants only and not the State. Even the challenge to the fixation of Rs.4.28 crores as compensation has already been rejected by the Coordinate Bench of this Court as far back as 2008. Hence, the contention that the appellants remain the owner of the land in question, cannot be accepted.

28. Further, once the Hon'ble Supreme Court of India granted three months time to vacate the premises, after the allotment of the land and the allotment could not be made due to inaction on the part of the appellants, the moment the last opportunity given to deposit the amount had expired i.e. 04.05.2007, and where-after the period of three months, the premises could have been got vacated by the State by following due process of law. The process which has been followed is reasonable, so as to give opportunity, as learned counsel for the appellants has not been able to show that they are the owners of the land in question except that they are in possession of the land. Once, the appellants are not the owners of the land, the possession is being taken as per the law. As the Government is the owner of the said piece of land from which the eviction of the appellants is sought, hence, the applicability of the 1973 Act is perfectly valid and legal.

29. The judgment which are being brought into operation in ***Raj Kumar Devindra Singh's case (supra)*** and ***Prahlad Singh's case (supra),*** it

may be noticed that once there is an intra party judgment of the Hon'ble Supreme Court of India directing the vacation of the premises after the period of three months of the allotment of the land, which allotment could not fructify due to inaction on the part of the appellants, the appellants cannot claim that they remain the owners of the land till the allotment is made, which allotment could not be made due to the non-acceptance of the offer of the Government based upon the determination of market value to the tune of Rs.4.28 crores by the appellants.

30. Hence, the aforesaid judgments are not applicable to the facts and circumstances of the present case especially when intra-party order directs the vacation of the land after a period of three months of the allotment, which will also mean three months from non-fulfilling the condition for allotment by the appellants, which was 04.05.2007.

31. Further, on being asked whether they are ready to accept 9 acres of land at the market value which prevails as of now, learned counsel for the appellants submits that the market value or the collector rate is such that the same cannot be afforded by the appellants. Hence, even on that score, no relief can be granted.

32. Even otherwise, the appellants are trying to confuse two issues, i.e. retaining of the acquired land and the allotment of land elsewhere in pursuance to the order passed by the Hon'ble Supreme Court of India.

33. Once, 9 acres of land to be allotted could not be materialized and attained finality till 04.05.2007, it became the duty of the appellants to vacate the premises within a further period of three months thereafter. That being so, the ownership of the land in question, which concededly is with the Government, taking back possession of the same by adopting the process

envisaged under the 1973 Act cannot be treated as arbitrary or illegal.

34. No other argument has been raised.

35. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

36. Accordingly, the appeals are dismissed.

37. Civil miscellaneous application pending if any, also stands disposed of.

38. A photocopy of this order be placed on the file of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

November 28, 2025 **(VIKAS SURI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No