

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203(2)

2025:PHHC:165574-DB



Date of decision: 28th November, 2025

(1) LPA No.1019 of 2017 (O&M)

Mangat Ram

..Appellant

Versus

State of Haryana and others

..Respondents

(2) LPA No.1021 of 2017 (O&M)

Satbir

..Appellant

Versus

State of Haryana and others

..Respondents

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

Present: Mr. Sudhanshu Makkar, Advocate for the appellants.

Mr. Aman Mittal, DAG Haryana.

Mr. Ashok Kumar Verma, Advocate
for respondents No. 8 to 10.

HARSIMRAN SINGH SETHI, J(Oral)

1. In the present appeals, the challenge is to the order passed by learned Single Judge, dated 06.03.2017 passed by the learned Single Judge.
2. Learned counsel appearing on behalf of the appellants argues that though a direction has been given to consider the claim of the appellants for allotment of the surplus land but while passing the said order, the liberty has been given to the State to allot the same land which is in

possession of the appellants or any other piece of land which is causing prejudice.

3. Learned counsel for the appellants submits that the appellants will be happy in case the direction given by the learned Single Judge to the said extend is modified that in case appellants are found entitled for allotment of surplus land, land which is in possession of the appellants be allotted rather than any other land.

4. Learned counsel for the respondents submits that once the allotment of the land in favour of the respondents has been upheld by the learned Single Judge and the entitlement of the appellants is yet to be finalised, claiming the land which is in possession of the appellants, is incorrect.

5. Learned counsel for the State submits that though a direction was given to evaluate the claim of the appellants, but keeping in view the interim order passed by this Court in the present LPA that the possession of the appellants will not be disturbed, no action has been taken keeping in view the direction given by learned Single Judge.

6. We have heard learned counsel for the parties and have perused the record with their able assistance.

7. The following directions were given by learned Single Judge while passing an order:

‘Keeping in view the facts, aforementioned, I deem it appropriate to dispose of the writ petitions by issuing the following direction:-

(i) The prescribed authorities under the aforementioned Act/Scheme shall consider the case of the petitioner(s) being a old/sitting tenant, as per the category culled out in Section 7 of the Scheme.

(ii) In case the petitioner(s) are entitled to allotment, it shall consider whether the same piece of land has to be given as the im-

port of the Section also envisages or other land, in essence, the petitioner(s) would not be entitled to stake a claim on the land which is in their possession as by aforementioned order of mine is upholding the allotment in favour of the private respondent(s).

Let this exercise be done within a period of 10 months from the date of the receipt of the certified copy of this order.

Till this exercise be done, the petitioner(s) shall not be dispossessed. In case, the petitioner(s)/tenant(s) and the private respondent(s)/allottees and subsequent transferees/vendees arrive at a consensus with regard to the exchange of land, they shall be at liberty to do so.'

8. A bare perusal of above would show that State was directed to consider the allotment of the land in Category 'BB'. Further the State was given the liberty to allot the same land which was in the possession of the appellants or some other available land keeping in view the fact that some portion of the land which is in possession of the appellants, has been allotted to respondents No. 8 to 10 which allotment has already been upheld by learned Single Judge. The grievance of the appellants is that in case they are found entitled for allotment of land under Category 'BB' than their possession should be protected and alternative land should be given to the respondent No. 8 to 10 who are yet to be given the possession of the land in terms of the allotment which has been upheld by the learned Single Judge.

9. Learned counsel for respondents No. 8 to 10 submits that in case after the adjudication of the claim of the appellants for allotment of land in Category 'BB', they are found entitled for any piece of land which is in the possession of the appellants, the respondents will not press the possession of the same land but the State be directed to give respondents alternative land keeping in view the area allotted to them, which allotment has already been upheld by learned Single Judge. Keeping in view the said agreement between the parties, the direction given by learned Single Judge in paragraph 2(i) reproduced hereinbefore is modified that in case after the

adjudication of the entitlement of the appellants for allotment of land under Category 'BB' it is found that appellants are to be allotted land, the area which is already under the possession of appellants be given to the appellants, though same was allotted to the respondents.

10. While complying with the said direction, as the allotment in favour of respondents No. 8 to 10, has already been upheld, Respondents be allotted an alternative land in terms of the allotment already made so that no prejudice is caused to either of the parties in implementation of the judgment of learned Single Judge.

11. Let the said exercise be completed within the period of three months from the date of receipt of copy of this Order. As the appellants are contending that the possession of the land is with them, till any order is passed by the Authority qua the entitlement of the appellants for allotment of land, the status quo qua the possession be maintained but after the passing of the order, the State as well as the private respondents will be within their jurisdiction to claim the possession of the land in question keeping in view the terms and conditions of such order which will be passed.

12. The present appeals are disposed of in above terms.

13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

28th November, 2025

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(VIKAS SURI)
JUDGE