

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****216****Date of decision: 26.11.2025****RSA-5976-2014(O&M)****State of Haryana & Others****...Appellant(s)****Vs.****Maan Singh****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Naveen Kumar, Addl. AG Haryana.

Mr. Sanjay Jain, Advocate
for the respondent.

NIDHI GUPTA, J.
CM-14215-C-2014

Present application under Section 5 of the Limitation Act has been filed for condonation of delay of 233 days in filing the present appeal.

Perusal of the present application shows that condonation of inordinate delay of 233 days is sought on the ground that the delay occurred due to movement of file from one official functionary to another. However, as per judgment of Hon'ble Supreme Court in **State of Madhya Pradesh v. Bherulal, (SC) : Law Finder Doc ID # 1753670, decided on 15.10.2020**, it is held as under:-

"Limitation – Supreme Court of India cannot be place for Governments to walk in when they choose ignoring period of limitation prescribed."



Reliance may also be placed upon judgment of Delhi High Court in **Union of India v. M/s Rajiv Aggarwal, (Delhi)(DB) : Law Finder Doc ID # 2738188, decided on 28.05.2025**, wherein it is held as under:-

“Arbitration Act - Appeal under Section 37 - Delay in filing appeal beyond the prescribed period - File movement and administrative issues do not constitute "sufficient cause" to condone delay - Strict adherence to timelines is necessary to achieve the object of speedy resolution of disputes.”

In view of the above, present application stands dismissed.

MAIN CASE

Present Second Appeal has been filed by the defendants against the concurrent judgments and decrees of the learned Courts below whereby suit filed by the plaintiff/respondent herein, for declaration and permanent injunction, has been decreed by both the Courts below.

2. The pleaded case of the plaintiff was that the plaintiff along with co-sharers had purchased the suit property vide registered Sale Deed No.1120 dated 12.08.1996 for valuable sale consideration of Rs.21,000/-. On the basis of the said Sale Deed Mutation was also sanctioned in favour of the plaintiff. Thereafter, plaintiff came to know from the village that defendant No.3 is going to auction the suit property on 27.05.2004. From the Jamabandi, he came to know that some stay orders had been passed in respect of the suit property by defendant No.2 and other officers of defendant No.1. The



plaintiff requested the defendants several times to refrain from doing so, however, to no avail. Accordingly, present suit was filed on 24.05.2004.

3. Upon appraisal of pleadings and oral & documentary evidence adduced by the parties, the suit of the plaintiff was decreed by the learned Additional Civil Judge (Senior Division), Naraingarh vide judgment and decree dated 28.05.2011, in the following terms:-

“16. In view of my findings on above said issues, especially on issues No.1 and 2 suit of the plaintiff succeeds and same is decreed with costs to the effect that plaintiff is co-owner in possession of the suit land as per sale deed No. 1160 dated 21.8.96 and the entries made in revenue records effecting the rights of the plaintiff adversely are wrong, illegal, ineffective and not binding on the plaintiff and other co-owners and defendants are restrained from alienating the suit property by way of auction or otherwise interfering in the ownership of the plaintiff. Decree sheet be prepared and file be consigned to the record room after due compliance.”

4. The Civil Appeal filed by the defendants was dismissed by the learned Additional District Judge, Ambala vide judgment and decree dated 06.01.2014. Hence, present Second Appeal by the defendants.

5. It is inter alia submitted by learned counsel for the appellants that the judgments and decrees of the learned Courts below deserve to be set aside as, in decreeing the suit of the plaintiff, the learned Courts below have failed to take into consideration the fact that allotment of original owner/vendor of the plaintiff, was cancelled. It is submitted that no doubt,



originally, land was allotted to Pardu Ram, vendor of the plaintiff in the year 1996 and permanent rights of the land were also conferred in his favour. However, subsequently, upon scrutinization of the documents of the allotment cases, it was discovered that the present was a case of double allotment. Accordingly, the defendants had issued letter dated 04.12.2001 for setting aside the Allotment, which was incorporated in the Revenue Record vide Report No.215 dated 11.12.2001. It is contended that the vendee i.e. the plaintiff steps into the shoes of the vendor. In the present case, original vendor has no right over the land in question and as title on the suit land has been cancelled, hence, he cannot transfer better title to the vendee. Hence, plaintiff has no legal right of ownership on the land in question. Therefore, suit of the plaintiff ought to have been dismissed.

6. Ld. Counsel reiterates that originally the property in question was allotted to the Sh. Pardu Ram s/o Hardwari Lal with some other land situated in village Rataur, Tehsil Naraingarh, Distt. Ambala in the year 1996 and permanent rights of this land were also conferred in his favour. Later on, the Govt. scrutinized all the allotment cases of the States during that period and this allotment was found as double allotment, therefore, reference bearing no. 36/Ref/CSC/97 State Vs. Pardu Singh @ Pardu Ram and others for setting aside the allotment of land measuring 127K 9M and U.O.3866-68/ARH dated 27.3.1996 passed by the Assistant Registrar Haryana were made to the competent authority under Displaced Persons (C & R) Act, 1954.



The said allotment was cancelled vide order dated 4.12.2001 of the Chief Settlement Commissioner, Haryana, Chandigarh which was incorporated in the revenue record vide rapat no. 215 dated 11.12.2001. Hence, the Central Govt. has become the owner of the suit land, the department is fully competent to dispose of the suit land as per law. Plaintiff had purchased the land from the persons who had defective titled. Therefore, the plaintiff is not entitled to claim the suit land in any manner. It is accordingly prayed that the present appeal be allowed and the impugned judgments and decrees of the learned Courts below be set aside.

7. Learned counsel for the respondent vehemently opposes the submissions advanced on behalf of the appellants-State and submits that the plaintiff had purchased the suit land for valuable sale consideration as far back as in the year 1996. Thereafter, allotment was cancelled by the defendants in the year 2001; however, without notice to the plaintiff. Moreover, defendants had failed to prove double allotment as alleged in favour of Pardu Ram, vendor of the plaintiff. Learned counsel accordingly prays for dismissal of the present appeal.

8. No other argument is made on behalf of the parties.

9. I have heard learned counsel and perused the case file in detail. I find no merit in the arguments advanced on behalf of the appellants.

10. The admitted facts on record are that the plaintiff is co-owner in possession of the suit land vide registered Sale Deed No.1120 dated



12.08.1996. As per Nakal Rapat Roznamacha (Ex.P6 and Ex.P7), possession of suit land was also delivered to the plaintiff. Mutation (Ex.P8) was also sanctioned in favour of the plaintiff. Thus, the plaintiff has come into possession of the suit property through registered Sale Deed; pursuant to which, Revenue Entries have also been entered with regard to the possession of the plaintiff. Therefore, by no stretch of imagination, the plaintiff be stated to be in unauthorised occupation of the suit land.

11. It is also not disputed that land was allotted to vendor of the plaintiff namely Pardu Ram under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter 'the Act') in lieu of the land left by them in Pakistan. It is not disputed by learned counsel for the appellants that pursuant to the said allotment, permanent rights with regard to the suit land were conferred upon the allottee vide Rapat Roznamacha No.215 (Ex.P6 and Ex.P7). However, subsequently, vide Ex.D1 dated 04.12.2001, the allotment made in the name of Pardu Ram and Naib Singh by the Chief Settlement Commissioner was cancelled. Admittedly, no notice of the said cancellation was issued to the plaintiff; despite the fact that plaintiff was recorded as owner possession of the suit property in the revenue record. Needless to say, any order cancelling the allotment could have been passed only after giving opportunity of hearing to the plaintiff. The plaintiff could not have been evicted from the suit land only on account of the fact that



the suit land was subsequently shown as Public Land. Clearly, principles of natural justice had not been followed.

12. The record further reveals that even Pardu Ram, the alleged allottee, was not a party to the proceedings before the Chief Settlement Commissioner. The learned Courts below have returned a categorical finding of fact that the defendants had failed to substantiate either by leading oral and documentary evidence that previously Pardu Ram - original allottee or the subsequent purchaser i.e. the plaintiff had ever played any fraud during the allotment proceedings. Rather, the contention of the appellant that land originally allotted was cancelled, as it was found to be a case of double allotment was also not proved. Thus, the learned First Appellate Court has categorically held that *“when the transferee of the property in question was neither impleaded nor heard before passing of the order dated 04.12.2001, the same is non-est and void qua the transferee.”* Thus, the Courts below had held the plaintiff entitled to protection of Section 41 of the Transfer of Property Act, 1882.

13. Relevant findings of the learned First Appellate Court as contained in Para 12 of the judgment dated 06.01.2014 read as follows:-

“12. In the case in hand, it is not in dispute that the plaintiff / respondent along with others as already discussed above had purchased the suit property from Pardu Ram, the original allottee of the land vide sale deed as Ex. P-1, however it will not be out of place to mention here that he was not a party to the proceedings which took place before Chief Settlement



Commissioner, Haryana at Chandigarh. The citation ***Bijay Singh versus Financial Commissioner Revenue and Secretary to Government Punjab Rehabilitation Department (Supra)*** relied upon by learned Government Pleader for the State is distinguishable as in the aforementioned citation original allottee had obtained the allotment on the basis of bogus document and as the petitioner had also become party to the fraud played, was not treated as bonafide purchaser; but, in the case in hand, the learned Government Pleader for the State has failed to substantiate either by leading oral or documentary evidence that earlier Pardu Ram, the original allottee or the subsequent purchaser i.e. the plaintiff had even played fraud during the allotment proceedings; rather, the contention of learned Government Pleader for the State is that land allotted originally in favour of Pardu Ram was cancelled as it was found to be a case of double allotment.

Admittedly, mutation No. 2488 as Ex. P 8 was sanctioned in favour of Maan Singh and others in the year 1996; and learned Government Pleader for the State has failed to convince this court that why Maan Singh, The plaintiff was not made a party to the proceedings before Chief Settlement Commissioner because as per Section 24 (3) of The Displaced Persons (Compensation and Rehabilitation) Act, 1954, "no order which prejudicially affects shall be passed under this Section without giving him a reasonable opportunity of being heard, but in the in hand, the plaintiff/respondent was admittedly not afforded any opportunity of being heard. Thus, when the transferee of the property in question was neither impleaded nor heard before passing of the order, the same is non-est and void qua transferee as has also been held in ***Labh Singh versus Chuni Lal***



(Died) and others 1981 Revenue Law Reporter 283 (P&H). The learned Government Pleader for the State has also failed to establish on record that the plaintiff had connived in any manner with original allottee at the time of original allotment. Thus, it is proved from oral as well as documentary evidence on record that, Maan Singh, the plaintiff had purchased the suit property bonafidly for a consideration from Pardu Ram and as such he is entitled to protection of Section 41 of the Transfer and Property Act, 1882. The learned counsel for the respondent in support of his case has also relied upon **Crystal Developers Versus Smt. Asha Lata Ghosh (Dead) through Lrs 2004 (4) RCR (Civil) 403 (SC)** wherein it is held that "where the vendee was given a bona fide impression of vesting title in the vendor at the relevant time, he remains bona fide transferee even if the title of vendor is declared defective later on".

14. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

15. In view of the above, present appeal is **dismissed** on grounds of delay as well as on merits.

16. Pending application(s) if any also stand(s) disposed of.

26.11.2025
Sunena

(Nidhi Gupta)
Judge

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