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

CWP-25191-2025 (O&M)
Date of Decision: 28.08.2025

Surjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gurvinder Pal Singh, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab.

HARSH BUNGER, J. (Oral)

This petition has been filed under Articles 226 and 227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside letter dated 12.08.2025 (Annexure P-10), whereby the Tehsildar, Abohar has been directed to take action for allotment of land measuring 49 kanals 10 marlas to the Youth Club for playground.

1.1 A further prayer has been made for issuance of a writ in the nature of prohibition for restraining the respondent authorities from allotment of the land for any other purpose as the petitioner has submitted his application under Section 11 of the Punjab Land Reforms Act, 1972 (in short '1972 Act') read with Rule 3 of the Punjab Utilization of Surplus Area Scheme, 1973 (in short '1973 Scheme').

1.2 Another prayer has been made for directing the respondents to take final decision on the application (Annexure P-7) submitted by the



petitioner seeking allotment of the aforesaid land.

2. Briefly, the petitioner claims to be in cultivating possession of land comprised in khasra No.163//5 (8-0), 163//6 (8-0), 163//15 (8-0), 163//16 (8-0), 163//17/1 (1-0), 164//1 (7-12), 164//2/1 (3-18) in khatoni No.522 of khewat No.309/283, Hadbast No.131 Village Dangar Khera, Tehsil Abohar, District Fazilka and in support of the same, the petitioner places reliance upon the *jamabandi* for the year 2017-18 (Annexure P-2) and *jamabandi* for the year 2022-23 (Annexure P-3), wherein the name of the petitioner is shown in the cultivation column as “*gair marusi*”.

2.1 It appears that the petitioner submitted an application under Section 11 of the 1972 Act read with Rule 3 of the 1973 Scheme so as to claim preferential right of allotment of the said land.

2.2 On the other hand, it appears that the Sub Divisional Magistrate, Abohar while considering a request from the Youth Club, Village Dangar Khera, Tehsil Abohar, District Fazilka has written to the concerned Tehsildar vide his letter dated 12.08.2025 (Annexure P-10) for allotting the land measuring 49 kanals 10 marlas belonging to the Government of Punjab (Surplus Department) to the Youth Club at Village Dangar Khera, the relevant extract of which reads as under:

“The application has been received on behalf of Youth Club village Dangar Khera, Tehsil Abohar District Fazilka wherein it has been requested that the efforts are being made to save the young boys and girls of the village from the drug addiction and the Youth Club village Dangar Khera has been created for the social activities. They are demanding the land from the Punjab Govt. for the playground and the above said land situated at village Dangar Khera may be allotted in favour of Youth Club Dangar Khera so that by making the playground the young boys and girls of the village can be saved from taking



the drugs.

Thus, by sending the above said application, it is hereby requested that action may be taken as per rules for allotment of land measuring 49 Kanal 10 Marlas comprising of Khewat No.346, Khatoni No.550. 551 belonging to the Govt. of Punjab (Surplus Department) Punjab to the Youth Club at village Dangar Khera, Tehsil Abohar, District Fazilka, for play ground and report may be sent to this office.”

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

4. Heard.

5. A perusal of the revenue records (Annexures P-2 and P-3) attached with the writ petition would show that the land in question is recorded as the ownership of Punjab Government and the name of the petitioner is reflected in the cultivation column as “*gair marusi*”. The petitioner is stated to have applied for allotment of land under Section 11 of the 1972 Act along with Rule 3 of the 1973 Scheme being in possession of the land in question.

6. Here, it would be apposite to refer to Section 11 of the 1972 Act and para Nos. 3 to 6 of the 1973 Scheme, which read as under:-

“11. Disposal of surplus area.- (1) *The surplus area, which has vested in the State Government under section 8, shall be at the disposal of the State Government.*

(2) *The State Government may, by notification in the official Gazette frame a scheme for utilizing the surplus area under the Punjab law, the Pepsu law or this Act by,-*

(a) *conferment of rights of ownership on tenants in respect of such land as is comprised in the surplus area of the landowner of such a tenant; and*

(b) *allotment to tenants, members of Scheduled Castes and*



Backward Classes and landless agricultural workers, of an area not exceeding two hectares of the first quality land or equivalent area, provided that the total area held or owned by any such allottee, after the allotment, shall not exceed two hectares of the first quality land or equivalent area.

(3) Any scheme framed by the State Government under sub-section (2) may provide for the terms and conditions on which the rights of ownership are to be conferred on the tenants and also the terms and conditions on which the land comprised in the surplus area is to be allotted.

(4) The State Government may, by notification in the official Gazette add to, amend, vary or revoke any scheme made under this section.

(5) Notwithstanding anything contained in any law for the time being in force and save in the case of land acquired by the State Government under any law for the time being in force or by an heir by inheritance, no transfer or other disposition of land which is comprised in the surplus area under the Punjab law, the Pepsu law or this Act, shall affect the vesting thereof in the State Government or its utilization under this Act.

(6) The utilization of any surplus area before the commencement of this Act will not affect the right of the tenant to purchase land in accordance with the provisions of section 15 or the right of the landowner to receive rent from the tenant settled on the surplus area till the tenant becomes the owner thereof.

(7) Where succession has opened after the surplus area or any part thereof has been determined by the Collector, the saving specified in favour of an heir by inheritance under sub-section (5) shall not apply in respect of the area so determined.

xxx

xxx

xxx

3. Application by eligible person. - *An eligible person may make an application to the Circle Revenue Officer in Form I for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date of commencement of this scheme or within such extended period*



as may, for reasons to be recorded, be allowed by the Circle Revenue Officer.

4. Power to proceed suo motu. - *Proceedings for allotment of land comprised in the surplus area may also be initiated suo-motu by the Circle Revenue Officer.*

5. Procedure to be observed by Circle Revenue Officer. - *When an application is made under paragraph 3 or when the Circle Revenue Officer suo motu initiates proceedings under paragraph 4, he shall, after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statement for each revenue estate, indicating:-*

- (1) particulars of each eligible person,*
- (2) the land, if any, owned or held by each such person,*
- (3) the area which can be allotted to each such person under the Act, and*
- (4) The revenue estate or estates for which such person indicates preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.*

6. Procedure for allotment of surplus area. - *(a) After the procedure prescribed in paragraph 5 has been followed the Circle Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the persons who do not own or hold any land are placed at the top and the persons who own or hold any land are placed, according to the area possessed by each, in an ascending order:*

Provided that where more than one person have equal claims, their names in the priority list shall be arranged by drawing of lots by the Circle Revenue Officer so that a person, whose lot is drawn first, gets preference over the persons whose lots are drawn subsequently.

(b) The Circle Revenue Officer shall also prepare a list of Khasra numbers (with area) of the land comprised in the surplus area available for allotment in a revenue estate



mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangles shall be observed first and then of killas in each rectangle.

(c) The record of each case alongwith the lists referred to in sub-paragraphs (a) and (b), shall be forwarded to the Collector, who shall proceed to allot the surplus area to eligible persons in order of the priority shown in the lists prepared under sub-paragraph (a) :

Provided that a tenant cultivating the surplus area shall be allotted land cultivated by him subject to the condition that the land allotted to him together with the land already owned by him does not exceed 2 hectares of the first quality land or an equivalent area.

(d) The allotment of the surplus area determined under the Punjab Law and the Pepsu Law may be undertaken before the determination of the surplus area under the Act. Such area shall be allotted to eligible persons, who have made application under paragraph 3 of this scheme [or are considered eligible for allotment under paragraph 4].

[(e) Where mortgagee rights in respect of any land falling within the surplus areas have vested in the State Government under the proviso to section 8 of the Act, such land shall not be allotted to any person until Government becomes its full owner. The Government may give such land on lease to any person from year to year.]”

6.1 A perusal of the above extracted provisions would clearly indicate that only an eligible person can seek allotment of the surplus area.

6.2 Here it would be apposite to refer to definition of 'eligible person' as detailed in para 2(c) of Utilization Scheme 1973. The same reads as under:-

“Para 2 (c) "eligible person" means a major person who has been residing in the State of Punjab for a period of five years before the commencement of this scheme and is primarily engaged in agriculture as his occupation and who is

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(i) a tenant, or a member of scheduled caste or Backward Class and does not own or hold any land or owns or holds land less than two hectares of the first quality land or its equivalent area or;

(ii) a landless agricultural worker."

7. The petitioner herein has not shown any document/material to show that he has been in continued possession of the land in question since 5 years prior to commencement of Utilization Scheme, 1973.

7.1 In the given factual matrix, in my considered view the petitioner does not fall within the definition of 'eligible person' in terms of para 2 (c) of Utilization Scheme, 1973.

7.2 Furthermore, any application for allotment was required to be made within a period of three months from the date of commencement of the 1973 Scheme or within such extended period as may be allowed by the Circle Revenue Officer. Nothing has been shown that the date for submission of the application for allotment of land under the 1973 Scheme has been extended by the Circle Revenue Officer beyond the period envisaged therein.

8. In this view of the matter, I am of the considered view that the prayer of the petitioner for allotment of the land under the 1972 Act read with 1973 Scheme lacks merit, accordingly, the relief sought in the present petition cannot be extended to the petitioner, therefore the instant writ petition fails and the same is accordingly dismissed.

9. All pending application(s), if any, shall also stand closed.

28.08.2025*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No