

2025 PHHC:169028



145

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

CWP-32229-2025

Date of Decision: 02.12.2025

Tale Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikram Singh, Advocate
for the petitioners.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 20.10.2016 (Annexure P-6) passed by the learned Assistant Collector, 1st Grade, Sonipat; order dated 01.08.2019 (Annexure P-7) passed by the learned Collector, Sonipat; order dated 14.07.2021 (Annexure P-8) passed by the learned Divisional Commissioner, Rohtak; and order dated 14.08.2025 (Annexure P-10) passed by the learned Financial Commissioner, Haryana.

2. Briefly, the petitioners through their predecessors-in-interest, were in possession of the land in question, i.e. Khasra No.21///17/2 min (0-16), 18 min (4-2), measuring 4 Kani-18 Marla, situated at Village Asadpur, Tehsil and District Sonipat, upon payment of fixed nominal rent to

respondent No.5 and others.

2.1 Respondent No.5 and others filed an application under the Punjab Security of Land Tenures Act, 1953 (in short 'the 1953 Act') seeking fixation/enhancement of rent, pursuant to which the rent was increased to Rs.2,000/- per acre per year, vide order dated 31.08.2007 (Annexure P-1) passed by the learned Assistant Collector, 1st Grade, Sonipat.

2.2 The said order dated 31.08.2007 (Annexure P-1) was challenged by respondent No.5 – Kesar and others before the learned Divisional Commissioner, Rohtak, who, vide order dated 25.10.2013 (Annexure P-2), remanded the matter to the learned Collector, Sonipat, for fresh decision.

2.3 Upon remand, the learned Collector, Sonipat, determined the *batai* at Rs. 4,000/- per acre per year, vide order dated 28.04.2015 (Annexure P-3).

2.4 The aforesaid order dated 28.04.2015 (Annexure P-3) was challenged by respondent No.5 – Kesar and others by filing a revision before the learned Divisional Commissioner, Rohtak, who partly allowed the same and enhanced the rent from Rs.4,000/- to Rs.6,000/- per acre per year, vide order dated 23.12.2016 (Annexure P-4).

2.5 It is stated that the petitioners challenged the aforesaid order dated 23.12.2016 (Annexure P-4) by filing a revision (ROR No.189 of 2017) before the learned Financial Commissioner, Haryana, which is stated to be still pending, and operation of the order dated 23.12.2016 (Annexure P-4) passed by the learned Divisional Commissioner was stayed therein.

2.6 It is conceded that the petitioners never challenged the order dated 28.04.2015 (Annexure P-3) passed by the learned Collector,

determining the rent at Rs. 4,000/- per acre per year.

2.7 It appears that during the pendency of revision before the learned Commissioner, respondent No.5 – Kesar and others filed an application under Section 9 of the 1953 Act seeking the ejectment of the petitioners for non-payment of rent at the rate of Rs. 4,000/- per acre per year. The said application was decided by the learned Assistant Collector, 1st Grade, Sonipat, vide order dated 20.10.2016 (Annexure P-6). Relevant extract thereof reads as under:-

“ - x - x -

Keeping in view the above facts, rent is fixed at Rs.4000/- per acre per year. (Here, it is also stated that in Case 62/SDO titled Kesar and others versus Indu and other Rakba Asadpur Second Party has not presented Kabuliyatnama. Hence, Counsel for Second Party is directed that today itself Kabuliyatnama be given to the First Party (land owners).) And the Kabuliyatnama given by the Second Party in the other cases. Original copy of them has been given to the Counsel for the Applicant (meaning land owner). Along with this Second Party is directed that they deposit the remainder amount of rent for the previous years at the rate of Rs.4000/- per acre per year, within two months of this order with the First Party otherwise it will be deemed that they have been evicted from the land. File be consigned to the record room after due compliance.

- x - x - ”

2.8 Despite the passing of the said order dated 20.10.2016 (Annexure P-6), the petitioners admittedly did not pay the rent at the prescribed rate. Rather, they preferred an appeal before the learned Collector, Sonipat, against the order dated 20.10.2016 (Annexure P-6), however, the same was dismissed vide order dated 01.08.2019 (Annexure P-7).

2.9 Being aggrieved, the petitioners filed a revision before the learned Divisional Commissioner, Rohtak, which was also dismissed vide order dated 14.07.2021 (Annexure P-8).

2.10 Still dissatisfied, the petitioners preferred a second revision (ROR No.327 of 2020-21) before the learned Financial Commissioner, Haryana, however, it was also dismissed vide order dated 14.08.2025 (Annexure P-10).

3. In the aforementioned circumstances, petitioners have filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. In the present case, the proceedings for fixation/enhancement of rent filed by respondent No.5 and others against the petitioners, was decided by the learned Assistant Collector, 1st Grade, Sonipat, and vide order dated 28.04.2015 (Annexure P-3) passed by the learned Collector, Sonipat, the rent/*batai* was fixed at Rs.4,000/- per acre per year. Significantly, this order dated 28.04.2015 (Annexure P-3) was never challenged by the petitioners. Rather, respondent No.5 and others challenged it through a revision before the learned Divisional Commissioner, Rohtak, who enhanced the rent from Rs.4,000/- to Rs.6,000/- per acre per year vide order dated 23.12.2016 (Annexure P-4).

6. This enhanced rate is stated to have been stayed in the revision (ROR No.189 of 2017) filed by the petitioners before the learned Financial Commissioner, Haryana, which is said to be pending.

7. It is not disputed before this Court that the petitioners had not challenged the Collector's order dated 28.04.2015 (Annexure P-3), whereby rent at Rs.4,000/- per acre per year was determined, nor there was any stay

operating with respect to that order. Consequently, the petitioners were liable to pay rent at the rate of Rs.4,000/- per acre per year, which has concededly not been done by them till date.

8. Since the petitioners defaulted in making payment of rent at the rate of Rs.4,000/- per acre per year, respondent No.5 – Kesar and others sought their eviction by filing a petition under Section 9 of the 1953 Act. The learned Assistant Collector, 1st Grade, Sonipat, vide order dated 20.10.2016 (Annexure P-6), granted the petitioners another opportunity to deposit the rent within two months, failing which the petitioners were to be deemed to be evicted. However, even this order dated 20.10.2016 (Annexure P-6) was not complied with by the petitioners. The appeal and subsequent revisions filed by the petitioners against the said ejectment order dated 20.10.2016 (Annexure P-6) were dismissed at all stages.

9. Considering the totality of facts and circumstances, once the petitioners have failed to challenge the Collector's order fixing the *batai* at Rs.4,000/- per acre per year, and having admittedly failed to pay the said rent despite being granted an additional opportunity, no fault can be found with the impugned orders directing eviction of the petitioners from the land in question.

10. In view of the above discussion, I find no merit in the present writ petition and the same is, accordingly, dismissed.

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

02.12.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No