



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

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LPA-3291-2025 (O&M)
Decided on : 18.11.2025

SURESH KUMAR AND ANOTHER

...Appellant

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: Mr. Robin Dutt, Advocate for the appellants.

Ms. Anu Pal, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 06.08.2025 passed by the Learned Single Judge in CWP No. 7482 of 2017, by which, the order dated 19.12.2016 (Anneuxre P-7) passed by the Financial Commissioner, wherein the findings have been recorded that the order dated 18.07.1960 (Anneuxre P-2) passed by the Collector, Jagadhari in the favour of the appellant was incorrect, has been upheld by the learned Single Judge, while dismissing the Civil writ petition No. 7482 of 2017.

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. The predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal, who was the owner of agricultural lands, got an order dated

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18.07.1960 (Annexure P-2) in his favour under the provisions of The Punjab Security of Land Tenures Act, 1953 (hereinafter referred to as '1953 Act'), passed by the Collector, Jagadhari, wherein the findings were recorded that predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal was not having any surplus area of land.

4. Thereafter, in the year 1995 a complaint by one Sh. Banwari Lal was filed against the said order dated 18.07.1960 (Annexure P-2) on the ground that the said order was passed by the Collector Jagadhri, is incorrect and the same should be looked into as to whether, the predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal was having the lands which should have been declared surplus or not.

5. Ultimately, the authorities came to the conclusion that the order dated 18.07.1960 (Annexure P-2) passed by the Collector Jagadhri was incorrect, which order was challenged by the appellant by filing Civil Writ Petition No. 17871 of 2007 before this Court seeking setting aside of order dated 01.04.1997 and 28.08.2007 Annexure P-4 & Annexure P-5 respectively, which was came to be allowed vide order dated 30.08.2010 (Annexure P-6) and the orders passed by the revenue authorities were set-aside and directions was given to the Financial Commissioner to give findings with regard to the complaint filed by one Banwari Lal qua the order dated 18.07.1960 as to whether, declaring of no surplus land at the hands of predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal was correct or not.

6. Thereafter, keeping in view the directions passed by the learned Single Judge, of this Court while passing the order dated 30.08.2010 (Annexure P-6) in CWP No. 17871-2007 filed by the appellant herein, the

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proceedings were initiated and ultimately vide order dated 19.12.2016 (Annexure P-7), passed by the Financial Commissioner, Haryana wherein the findings have been recorded that keeping in view the land holding of predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal, the order passed on 18.07.1960 (Annexure P-2) was incorrect as 8 standard acres 11 ¼ units (tenants permissible area) which was in the possession of the tenants ought to have been vested with State of Haryana, was wrongly given to predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal.

7. The said orders dated 19.12.2016 (Annexure P-7), passed by the Financial Commissioner, Haryana was made the subject matter of Civil Writ petition No. 7482 of 2017. The learned Single Judge while passing the order dated 06.08.2025 has upheld the said order dated 19.12.2016 (Annexure P-7) and held that 8 standard acres 11 ¼ units were the wrongly excluded area by the Collector vide order dated 18.07.1960 (Annexure P-2), tenants have been denied their valuable rights guaranteed by Punjab Act. Hence, the Financial Commissioner has rightly come to the conclusion qua the validity of the said order dated 18.07.1960 (Annexure P-2) and found that the same as incorrect and ordered decision to be reviewed. The said order dated 06.08.2025 passed by the learned Single Judge in Civil Writ petition No. 7482 of 2017, has been made the subject matter of the present appeal.

8. Learned counsel for the appellant argues that the order dated 18.07.1960 (Annexure P-2) was passed by the Collector, Jagadhri and no one had challenged the same and only the complaint was filed in the year 1995 qua the validity of the said order dated 18.07.1960 (Annexure P-2), hence, after a period of 35 years, the validity of the said order dated 18.07.1960 (Annexure P-2) could not have been inquired into by the



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Financial Commissioner while passing the order dated 19.12.2016 holding that the order dated 18.07.1960 (Anneuxre P-2) passed in favour of the predecessor-in-interest of the appellant, namely, Sh. Sharan Bihari Lal is incorrect.

9. Learned counsel for the appellant further submits that as per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 7050 of 1994, titled as Loku Ram versus State of Haryana and others, decided on 20.08.1998 and in civil appeal No. 6017-6018 of 2009 titled as Santoshkumar Shivgonda Patil and others versus Balasaheb Tukaram Shevale and others, decided on 02.09.2009, wherein Hon'ble Supreme Court of India has held that the validity of the old orders cannot be challenged unless, the same is challenged within the reasonable time, hence, the validity of the order dated 18.07.1960 (Anneuxre P-2), which has been described as incorrect order so as to cause prejudice to the appellant and that too in the year 2016, is liable to be set-aside on the ground that the same is contrary to the settled principle of law as an order can be reviewed within reasonable time only and the validity of the order dated 18.07.1960 (Anneuxre P-2) cannot be examined after a period of more than 56 years.

10. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

11. It may be noticed that prior to the litigation raised at the hands of the appellant in CWP No. 7482 of 2017, he had earlier filed a writ petition being CWP No. 17871 of 2007, wherein also, the validity of the order dated 18.07.1960 (Anneuxre P-2) was under scrutiny and Learned Single Judge in CWP No. 17871 of 2007, after examining all the issues, passed the order dated 30.08.2010.



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The operative part of the order dated 30.08.2010 is as under:-

“In view of what has been stated herein above, the writ petition is allowed and the impugned orders are set-aside. The complaint filed by Banwari lal with respect to the order dated 18.07.1960, is placed before the Financial Commissioner/Financial Commissioners, exercising powers under the Haryana Act, for consideration in accordance with law. This order shall not be construed to be an expression of opinion in favour of or against the right of the petitioners.

Parties are directed to appear before the Financial Commissioner, on 26.10.2010.”

12. A bare perusal of the above would show that the learned Single Judge, remanded the case back to the Financial Commissioner to ascertain the complaints filed by the Banwari Lal with respect to the order dated 18.07.1960 (Anneuxre P-2) and to decide as to whether the order dated 18.07.1960 (Anneuxre P-2) regarding surplus land was correct or not. Concededly, the appellant, in whose writ petition the said order dated 30.08.2010 (Annexure P-6) was passed accepted the same, meaning thereby that the appellant consented to contest the validity of the order dated 18.07.1960 (Anneuxre P-2) before the revenue authorities.

13. Once, the revenue authority has considered the validity of the order dated 18.07.1960 (Anneuxre P-2) as directed by this Court wherein it was described that the predecessor-in-interest of the appellant namely, Sh. Sharan Bihari Lal, was not having any surplus land and found that the said order dated 18.07.1960 (Anneuxre P-2) is incorrect keeping in view the land



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holding of predecessor-in-interest of the appellant namely, Sh. Sharan Bihari Lal, the appellant cannot turn around and say that the Financial Commissioner exceed his jurisdiction to give a findings to the validity of an order dated 18.07.1960 after a period of more than four decades.

14. Once, the appellant never challenged the order passed by the learned Single Judge, remanding the case back to decide the complaint against the validity of the order dated 18.07.1960 (Anneuxre P-2), suffering an order causing prejudice to the appellant, the appellant cannot turn around to say that the validity of the such order could not have been examined and reviewed by the financial Commissioner. The examining of the validity of the order dated 18.07.1960 (Anneuxre P-2), was as per the order passed by the learned Single Judge dated 30.08.2010, hence, the arguments raised by the appellant that the Financial Commissioner exceeded his jurisdiction to hold that the order dated 18.07.1960 is bad and cannot be accepted.

15. Qua the Judgments which were cited by the learned counsel for the appellants herein above i.e. in **Loku Ram's case (supra) and Santoshkumar Shivgonda Patil's case (supra)**, it may be noticed that the said judgments will not apply in the facts and circumstances of the present case, where, the validity of the order dated 18.07.1960 (Anneuxre P-2) was examined by the revenue authority keeping in view the decision of the Competent Court of law. Once, in the year 2010, the said jurisdiction was given to the revenue authorities by a competent Court of law, qua the validity of the order dated 18.07.1960 (Anneuxre P-2), which was passed in favour of the predecessor-in-interest of the appellant namely, Sh. Sharan Bihari Lal, decision qua the order dated 18.07.1960 was within the jurisdiction of the revenue authority.

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16. Learned counsel for the appellant further argues that the validity of the compliant filed against the order dated 18.07.1960 (Anneuxre P-2) should have been looked in to as per the the Haryana Ceiling of Land Holding Act, 1972 (herein after referred to as “1972 Act”) . It may be noticed that the validity of an order passed prior to the promulgation of 1972 Act cannot be looked into as per the provisions of 1972 Act as the Act cannot be given to retrospective effect . The validity of the order dated 18.07.1960 (Anneuxre P-2), which was passed under the provisions of 1953 Act, had to be seen keeping in view the provisions of 1953 Act and not in view of the provisions of 1972 Act, as being contended by the learned Counsel for the appellant herein. The subsequent amendment will not render any illegal order, as a valid order even otherwise.

17. No further arguments have been raised.

18. Keeping in view the facts and circumstances of the present case, once, a findings have been recorded by the learned Single Judge, that the order passed by the Collector Jagadhri is incorrect keeping in view of the provisions of 1953 Act and surplus land was there in the possession of the predecessor-in-interest of the appellant namely, Sh. Sharan Bihari Lal, which should have been allotted to the tenants, needs no interference by this Court.

19. Even otherwise, the order which has been impugned in the present appeal, has only remanded the case back to the authorities concerned under Section 33 (2) of the Haryana Act for correct appreciation of the issue by hearing all the concerned parties, hence, even otherwise, the prejudice being shown by the appellant cannot be accepted as the appellant have raised all the issues earlier also which were dismissed by Learned Single Judge.

20. Hence, no ground is made out for any interference by this Court



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in the facts and circumstances of the present case.

21. Accordingly, the present appeal is dismissed.

22 Though, we did not wanted to record any findings with respect to land in issue, but learned counsel for the appellants submits that he needs the findings recorded on his submission and that is why the findings have been given qua the arguments raised herein despite the fact that the issue was remanded back to the authorities concerned.

23. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

18.11.2025

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No