



CWP-6119-1989

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-6119-1989

Date of Decision: 25.02.2026

Madan Lal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.A. Sheoran, Advocate,
Mr. Anurag Jain, Advocate and
Mr. Aamol Singh, Advocate for the petitioners
Mr. Akshit Pathania, Assistant Advocate General, Haryana
Mr. Sushil Saini, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 28.07.1988 passed by Financial Commissioner, Haryana.

2. Narain Dass son of Malawa Ram (for short 'landowner') migrated from Pakistan. He had land in Pakistan. In lieu of land in Pakistan, he was allotted land in Village Kabral and Village Bagla, Tehsil and District Hisar besides land/plot in Cooperative Garden Colony Society Limited, Hansi, District Hisar (for short '**Society**'). The said Society was registered on 25.03.1950 by Additional Registrar, Cooperative Societies, Punjab Rehabilitation Department, Jalandhar. The aforesaid Society did not fall within the purview of Punjab Security of Land Tenures Act, 1953 (for short '**1953 Act**').

3. The Collector (Surplus Area), Hisar vide order dated 26.10.1961 declared 9.89 ordinary acres with Narain Dass (landowner) as

surplus land. The landowner preferred an appeal which was accepted vide order dated 12.02.1962 and matter was remanded to the Collector. The Collector again vide order dated 31.07.1962 declared 0-49 ordinary acres as surplus after allowing 100 ordinary acres as his permissible area and leaving 51.70 ordinary acres as tenants' permissible area. The landowner again filed appeal which was dismissed vide order dated 21.01.1964 by Commissioner. The landowner preferred revision which was dismissed by Financial Commissioner on 28.03.1966. The landowner filed *CWP No.1828 of 1966* which was allowed vide order dated 18.12.1970 passed by this Court. This Court held that landowner was allotted land in standard acres, thus, he should be given his permissible area in standard acres. The Collector was asked to re-determine surplus area. The Collector (Surplus Area), Hisar took up the matter and concluded that there was no surplus area with Narain Dass-landowner. He gave 50 standard acres to landowner as his permissible area. His total holding was assessed as 57 standard acres $4\frac{1}{4}$ Units. 1 standard acre $7\frac{1}{2}$ units was found Banjar Land. 0.2 standard acres was found *gair mumkin* and balance 5 standard acres $10\frac{1}{4}$ units as tenants' permissible area. He also found that 6-4 standard acres of land was under the Society and this land was excluded from the holding of Narain Dass as 1953 Act is inapplicable to land of Society.

4. Chandgi-respondent No.2 filed an appeal against order of Collector. The appeal was dismissed by Commissioner vide order dated 20.02.1984. Chandgi-respondent No.2 preferred revision which was accepted by Financial Commissioner vide order dated 28.07.1988. The Financial Commissioner held that issue of land with Society was never raised before High Court and Financial Commissioner. This was specifically



that there was no evidence produced by the landowner to show that there was any area exemptible as Society. The findings have attained finality and could not be raised by Collector while adjudicating the matter on the direction of the High Court.

5. Learned counsel for the petitioners submits that this Court set aside orders passed by Authorities and matter was remanded to Collector to determine surplus land, if any, in standard acres because landowner was allotted land in standard acres. The Collector considered the matter afresh. The landowner submitted documents with respect to land allotted by Society in the form of a plot. Land of Society was indubitably exempt from the purview of 1953 Act.

6. Learned State counsel expressed his inability to controvert that land was allotted to Society by State Government and Society was exempt from the purview of 1953 Act. A plot was allotted to petitioners by Society which was excluded from the purview of 1953 Act.

7. Learned counsel for private respondent could not point out reason for assailing orders passed by Collector.

8. Heard the arguments and perused the record.

9. From the perusal of record, it is evident that this Court set aside orders passed by Authorities and remanded the matter back to Collector to pass a fresh order. There was direction to determine surplus/permissible land in standard acres. The Collector while passing fresh order considered documents produced by landowner with respect to plot allotted to him by Society. The private respondent was landowner's tenant. His land was not disturbed by excluding landowner's plot in Society, nevertheless, he being a

busy body filed appeal before Commissioner which was dismissed. He preferred revision before Revisionary Authority which remanded the matter back to Collector. The Financial Commissioner did not think it appropriate to pass final order in one or another way whereas remanded the matter to Collector. It was third time remand to Collector. This Court has noticed that Revenue Authorities have made mockery of land disputes. Matters are mechanically remanded to lower authorities instead of being finally adjudicated. In the case in hand, the Authorities did not even examine *locus standi* of respondent No.2 to assail order passed by Collector. The State Government is not disputing claim of the petitioners rather conceding that petitioners/landowner were allotted plot by Society which was out of purview of 1953 Act, thus, plot of Society could not be included in the surplus area.

10. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Impugned order dated 28.07.1988 is hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

25.02.2026

Mohit Kumar

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