



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

RSA-912-1990

Reserved on: 08.12.2025

Pronounced on: 16.02.2026

BHAKRA BEAS MANAGEMENT BOARD & ANOTHER

....APPELLANTS

VERSUS

LACHHMAN & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Garg, Senior Advocate (through VC) with
Mr. Rajinder Goyal, Advocate
for the appellants.

Mr. Kuldeep Singh Saini, Advocate
for respondents No.1, 2 & 4.

PARMOD GOYAL, J.

Appellants/defendants No.2 and 3 have preferred the present regular second appeal being aggrieved by judgment and decree dated 18.01.1990, passed by learned Additional District Judge, Ropar whereby first appeal preferred by respondents/plaintiffs against dismissal of their suit by judgment and decree dated 31.07.1986 by Court of first instance i.e. Court of Sub Judge, First Class, Ropar was allowed and suit of respondents/plaintiffs was decreed by learned First Appellate Court vide impugned judgment and decree dated 18.01.1990.

2. Respondents/plaintiffs had preferred a suit for declaration claiming themselves to be owners in possession of suit land bearing Khasra

Nos.15R/1 (8-0), 10/1 (4-10) and 16R/5/1 (5-4), situated in Village Bassowal. It was asserted that land was originally allotted to Smt. Parbhi and Kartara by Punjab Government. They sold it to respondent/plaintiff No.5 who in turn sold 16 kanal to respondents/plaintiffs No.1 to 4 through two registered sale deeds dated 16.06.1973 and 21.07.1975. It was asserted that appellants/defendants have no right over the suit property. However, appellant/defendant No.1 acting as estate officer under The Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as '**1971 Act**') issued notices under Section 4(i) and 7(iii) dated 20.11.1980. It was asserted that these notices are illegal and not binding on the rights of respondents/plaintiffs as suit property is not vested in appellants/defendants No.2 and 3 as to attract provisions of Section 1971 Act. Notices were also challenged on the ground that notices have failed to disclose the ground as to how and on what basis appellant/defendant No.1 had formed its opinion that suit land was public premises and how respondents/plaintiffs are in unauthorized occupation. It is asserted that respondents/plaintiffs had already succeeded in getting declaration from the Court of Senior Sub Judge, Ropar that they are owners in possession of suit land. Accordingly, declaration that notices issued by appellant/defendant No.1 are liable to be ignored and not binding on the rights of respondents/plaintiffs was sought.

3. Suit was contested by appellants/defendants. They asserted that suit is barred under Section 15 of 1971 Act. It was asserted that suit property is a public premises which was acquired by Punjab State and now being under control and management of Bhakra Beas Management Board (hereinafter referred to as '**BBMB**') by virtue of Punjab Reorganisation Act,

1966. It was asserted that suit land along with other lands situated in Village Bassowal was acquired by Punjab State vide notification dated 20.03.1952 under Section 6 of Land Acquisition Act, 1894. After acquisition of suit property, it is State of Punjab and State of Rajasthan who are owners of suit land and is under management and control of appellants/defendants No.2 and 3. It was asserted that possession of suit land was taken by Punjab Government on 05.12.1950 and in view of award dated 25.06.1953 announced under the provisions of Land Acquisition Act, it is State of Punjab who is exclusive owner in possession of suit property and since the management and control of suit land vested in appellants/defendants No.2 and 3 in view of Section 2(m) of Punjab Reorganisation Act 1966, therefore, notices were correctly issued under provisions of 1971 Act. It is asserted that respondents/plaintiffs are in unauthorized occupation of suit land and liable to be ejected.

4. From the pleadings of parties, following issues were framed:-

1. Whether the notices dated 20.11.1980 under Section 4(i) and 7(iii) of the Public Premises Act issued by Defendant No.1 are illegal, unauthorised, ineffective and without jurisdiction? OPP
2. Whether the plaintiffs are the owners of the suit land? OPP
3. Whether the civil court has got jurisdiction to entertain the suit? OPD
4. Whether the suit in the present form does not lie? OPD
5. Whether the suit is bad for non-joinder of necessary parties? OPD
6. Relief.

5. The short controversy in the present case is whether notices

issued to appellant/defendant No.1 under Section 4(i) and 7(iii) of 1971 Act could have been validly issued as property claimed by appellants/defendants No.2 and 3 is public premises owned by Punjab Government under the management and control of appellants/defendants No.2 and 3.

6. On the other hand, it is the case of plaintiffs/respondents that they had duly purchased the suit property by way of registered sale deeds from the allottees of land who were allotted land and it is respondents/plaintiffs who have been found to be owners in possession as against Punjab Government through whom appellants/defendants are claiming management and control in view of judgment and decree passed by Senior Sub Judge, Ropar in their favour declaring them to be owners over the suit land. Therefore, notices issued under 1971 Act are void *ab initio* as suit land is not public premises.

7. From the pleadings of the parties, it is clear that two issues are required to be dealt with in present appeal. Firstly, whether land vested in the State of Punjab handed over to BBMB under Punjab Reorganization Act, 1966 would be public premises within meaning of 1971 Act and secondly, whether Government of Punjab is rightful owner of suit property giving right to appellants/defendants No.2 and 3 to manage and control suit property and effect of judgment and decree passed by learned Senior Sub-Judge, Ropar vide which respondents/plaintiffs have been held owner of suit property.

8. As far as first question is concerned, there is no doubt regarding effect of provisions of Section 2(m) r/w Sections 78 and 79 of Punjab Reorganization Act, 1966. BBMB was constituted by Central Government under Section 7A of Punjab Reorganisation Act, 1966. On account of

reorganization of erstwhile State of Punjab BBMB came into existence. The land and properties of Bhakra Dam, reservoir and works appurtenant thereto vested in BBMB by virtue of Section 79 of 1966 Act. Section 79 of 1966 Act is reproduced hereinbelow for ready reference:-

*“79. **Bhakra Management Board.**—(1) The Central Government shall constitute a Board to be called the Bhakra Management Board for the administration, maintenance and operation of the following works, namely:—*

(a) Bhakra Dam and Reservoir and works appurtenant thereto;

(b) Nangal Dam and Nangal-Hydel Channel up to Kotla Power House;

(c) the irrigation headworks at Rupar, Harike and Ferozepur;

(d) Bhakra Power Houses:

Provided that the administration, maintenance and operation by the said Board of the generating units of the Right Bank Power House as have not been commissioned shall commence as and when any such unit has been commissioned;

(e) Ganguwal and Kotla Power Houses;

(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar and the main 220 KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e); and

(g) such other works as the Central Government may, by notification in the Official Gazette, specify.

(2) The Bhakra Management Board shall consist of—

(a) XXX

(3) The functions of the Bhakra Management Board shall include—

(a) the regulation of the supply of water from the Bhakra-

Nangal Project to the States of Haryana, Punjab and Rajasthan having regard to—

(i) any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan, and

(ii) the agreement or the order referred to in sub-section (1) of Section 78;

XXX XXX XXX”

9. Therefore, it is clear by virtue of Sections 78 and 79 of Punjab Reorganisation Act, 1966 Act that the administration, maintenance, control and operation of works of Bhakra Dam, reservoir and works appurtenant thereto vested in appellants/defendants No.2 and 3. Hence, land owned by State of Punjab and vested in appellants/defendants No.2 and 3 for purposes of management and control would be public premises within meaning of Section 2(e) of 1971 Act. Management and control by appellants/defendants No.2 and 3 is on behalf of true owners of the property, therefore, the character of public land duly covered by provisions of Section 2(e) of 1971 Act would not be lost by virtue of transfer of management and control of land in favor of appellants/defendants No.2 and 3. The land would be public premises if it is owned by State of Punjab and has been transferred for management and control to appellants/defendants No.2 and 3.

10. However, in present case, not only the scope of public premises is being challenged by respondents/plaintiffs but the very basis on which appellants are seeking declaration that suit property is public premises is also being challenged. The respondents/plaintiffs have relied upon judgment and decree dated 08.04.1980 passed by Sh. S.S. Chahal, Senior Sub-Judge,

Roopnagar in case titled **Amarnath and Anr. Vs. Punjab State through**

Secretary, Irrigation Department, Punjab and Anr.

11. It is worth noticing that in above noted suit, which was also filed by respondents/plaintiffs, it was held that it is respondents/plaintiffs who are owners in possession of suit land and Government of Punjab was injuncted from interfering in the peaceful possession of respondents/plaintiffs.

12. Learned counsel for the appellants/defendants No.2 and 3 has argued that judgment and decree dated 08.04.1980 is not binding upon appellants/defendants No.2 and 3 as they were not party to the suit and suit property vested in appellants/defendants No.2 and 3 for the purposes of management and control.

13. On consideration, the argument raised on behalf of appellants/defendants No.2 and 3 cannot be accepted. The ownership rights have not been transferred in favour of appellants/defendants No.2 and 3 under Punjab Reorganization Act, 1966. It is only management and control of land owned by State of Punjab which stands transferred to the appellants/defendants No.2 and 3. State of Punjab still remains the owner of the suit property. The management and control of property which is owned by State of Punjab alone can be vested in appellants/defendants No.2 and 3. In case where property is not owned by State of Punjab, appellants/defendants No.2 and 3 cannot seek management and control of same.

14. In present case, by virtue of judgment and decree dated 08.04.1980 passed by Sub Judge First Class Roopnagar, it is respondents-plaintiffs who have been held to be owners in possession of suit property as

against State of Punjab. State of Punjab has accepted the said judgment and decree and has never challenged the same, even though same was *ex parte* and was duly relied upon by respondents/plaintiffs in present suit. By virtue of judgment and decree dated 08.04.1980, the ownership of Government of Punjab has not been accepted over the suit property and rather respondents/plaintiffs have been held to be owners in possession of suit property.

15. In view of judgment and decree dated 08.04.1980, the claim of appellants/defendants No.2 and 3 that they have a right to manage and control suit property under Punjab Reorganization Act, 1966 cannot be accepted. They cannot have better title than true owner i.e. Government of Punjab. If Government of Punjab is not held to be owner of suit property, the management and control of suit property shall not vest with appellants/defendants No.2 and 3. The rights of appellants/defendants No.2 and 3 are through State of Punjab and limited to the extent of rights vested in State of Punjab. State of Punjab has got no rights over suit property, therefore, appellants/defendants No.2 and 3 also cannot claim any right over the same.

16. In present case, in view of judgment and decree dated 08.04.1980 passed by Sub-Judge First Class, Roopnagar, Government of Punjab Government is not the owner of property and therefore the property is not vested with appellants/defendants No.2 and 3 for management and control. Thus, suit property shall not fall within the scope of public premises. The First Appellate Court has, therefore, rightly held that notices issued under 1971 Act, were void *ab initio* as they were issued for a land

which was not covered by definition of public premises. Since land is not public premises therefore, notices issued by Estate Officer are void *ab initio*, accordingly the jurisdiction of civil Court cannot be ousted and therefore suit was maintainable and not barred by section 15 of 1971 Act.

17. Decree sheet goes to show that the suit property is same which is subject matter of present case and therefore it is respondents/plaintiffs who are owner of suit property and not the State of Punjab through whom appellants/defendants No.2 and 3 are claiming their right over the suit property.

18. In view of above discussion, there is no merit in the present appeal. Same is accordingly dismissed.

19. Pending application(s), if any, stand disposed of.

16.02.2026
Chiranjeev/Sunil

(PARMOD GOYAL)
JUDGE

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