

RSA-2529-1992(O&M)

2026.PHHC:011131



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

RSA-2529-1992(O&M)

Date of decision : 27.01.2026

Ramji Dass (since deceased) through his LRs ... Appellants

Versus

The Central Government and others ... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashish Aggarwal, Senior Advocate with
Mr.Saket Bhandari, Advocate and
Mr.Vishal Pundir, Advocate
for the appellant.

Mr. Raj Partap Singh Brar, AAG, Haryana
for respondents no.1 to 4.

Ms.Geeta Singhwal, Senior Panel Counsel
for respondent no.1(a)-UOI.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present appeal is to the judgment and decree dated 03.02.1990 vide which the suit filed by the plaintiffs for declaration has been dismissed. Challenge is also to the judgment dated 21.11.1992 vide which the appeal filed by the plaintiffs against the judgment and decree dated 03.02.1990 was also dismissed.

2. Learned senior counsel for the appellant has submitted that the appellant had purchased the suit land from its predecessor-in-interest who was shown to be owner as per jamabandi vide registered sale deed dated 26.05.1960 for valuable consideration. It is submitted that no mutation with



respect to the prior sale deeds in favour of Lal Chand was reflected in the revenue record and thus, the present appellant could not have been faulted for purchasing the said land. It is argued that the Ist Appellate Court in para 19 of the its judgment had made observations to the effect that the prayer of the appellants for purchase of land could be reconsidered keeping in view the fact that the plaintiffs-appellants had purchased the land from the persons who were shown to be owners as per revenue record and they were innocent persons and had been defrauded and cheated by Lekhu and Thakur Dass. The para 19 of the judgment of the Ist Appellate Court which has been highlighted by learned senior counsel for the appellant is reproduced hereinbelow:-

“19. I would like to further mention here that no doubt prayer of the plaintiff-appellants to purchase the land in question from the central Govt. Department has since been declined by the Rehabilitation Department but even then their prayer can be re-considered keeping in view the following circumstances:

(i) Plaintiff-appellant purchased land from Lekhu and Thakur Dass because it existed in the names of the vendors in the revenue record for a valuable consideration;

(ii) They being innocent people were defrauded and cheated by Lekhu and Thakur Dass.

(iii) The land in question is mixed in such a way with other lands of the plaintiff-appellants that it will not be possible to take out of their total holdings because after the purchase of the land in question by the appellant the consolidation of holdings took place and during the consolidation of holdings plaintiff-appellants and their predecessor in interests were allotted land in lieu of the land in question or in other words the land purchased from Lekhu and Thakur Dass;

(iv) The rehabilitation Department/Tehsildar sales can chalk out the



reserve price of this land on the date the impugned sale by Lekhu and Thakur Dass to plaintiff appellants and their predecessor in interest and can add simple interest at the rate of 12% per annum on the original sale consideration and charge the value of the same.

(v) The another way out can be that it can be sold even at present market, price after getting it ascertained from the Sub Registrar/Tehsildar Gohana without getting the land put in open auction with the sanction of the Govt. on humanitarian grounds.”

It is further argued that as far as the private defendants are concerned, they have already got the land in village Gangesar, District Rohtak and for the said reason, they had never contested the appeal before the Ist Appellate Court and they were all ex-parte before the Ist Appellate Court. It is further submitted that an interim order was passed on 17.12.1992 observing that status quo regarding possession be maintained. The order dated 17.12.1992 which has been highlighted is reproduced hereinbelow:-

*“Mr.S.C. Kapoor, Sr. Advocate, with
Mr.Ashish Kapoor, Advocate, for the appellant.
Notice of motion for 23rd Feburary, 1993.
Status quo regarding possession.
17.12.1992.”*

It is further stated that the said order had continued and at the time when the matter was admitted on 05.11.1993, it was specifically noticed that said order would continue and that the said order has never been vacated. It is argued that it is the appellant who is in possession of the said suit land since several years. It is further submitted that as per the



provisions of the Haryana Evacuee Properties (Management and Disposal) Act, 2008, moreso Section 4, rights have been given to various persons including the persons who are in possession to seek transfer of any evacuee property. Learned senior counsel for the appellant has submitted that in view of the same, the appellant would move an application to the competent authority within a period of one month from today giving details of his entitlement and for the said purpose, he would also fill up the prescribed form. It is submitted that the competent authority be directed to decide the said application in accordance with law and till the time the said application is decided, the interim order of status quo which has been continued since 1992 be ordered to be continued.

3. In view of the fact that respondents no.5 to 27 were ex-parte before the Ist Appellate Court, the Co-ordinate Bench of this Court had dispensed with service of respondents no.5 to 27 vide order dated 19.05.1993. Further, respondent no.28 was also stated to have died.

4. Learned counsel for respondents no.1 to 4 and learned counsel for respondent no.1(a) have submitted that if the appellant moves such application then it would be considered as expeditiously as possible and decided independently but have further submitted that the grant of and continuation of the interim order should not be construed as an expression on the merits of the case and the authority be given the right to consider the case independently in accordance with law.

5. During the course of arguments, a fair stand has been taken by



learned senior counsel for the appellants as well as learned counsel for contesting respondents no.1 to 4 and in view of the same, the present appeal is disposed of with the following observations / directions:-

- i) The appellant would move an application, in accordance with law, under the Haryana Evacuee Properties (Management and Disposal) Act, 2008 to the competent authority within a period of one month from today. The said application would be in the prescribed proforma.
- ii) In case such an application is moved, then, the competent authority would consider the said application, as expeditiously as possible, in accordance with law, independently.
- iii) In case application is moved within one month today, the order dated 17.12.1992 would continue. The grant of and continuation of the said order should not be construed as an expression on the merits of the case and the competent authority would decide the said application independently in accordance with law. In case the application as stated in direction (i) is not moved within a period of one month from today, then the interim order would stand vacated.

(VIKAS BAHL)
JUDGE

January 27, 2026.
Davinder Kumar

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