



RSA-232-1991 (O&M)

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101 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-232-1991 (O&M)

Date of decision: 06.04.2026

Karamjit Singh

....Appellant(s)

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE **VIKRAM AGGARWAL**

Present: Mr. Sanjiv Gupta, Senior Advocate with
Mr. Aayush Bansal, Advocate
for appellant.

Mr. Shashank Bhandari, Addl. AG, Haryana.

VIKRAM AGGARWAL, J (Oral):

This is plaintiff's appeal against the judgment and decree dated 24.10.1990 passed by the Court of District Judge, Sirsa setting aside the judgment and decree dated 12.12.1989 passed by the Court of Additional Senior Sub Judge, Sirsa, vide which the suit for declaration filed by one Meet Singh had been decreed.

2. The plaintiffs, being the legal representatives of Meet Singh, instituted a suit for declaration to the effect that the orders dated 17.11.1982, 04.04.1983, and 19.09.1986 passed by the Prescribed Authority, Sirsa; Collector, Sirsa; and Commissioner, Hisar Division, Hisar, respectively, were illegal, null and void.

3. Meet Singh was a big landowner owning land measuring 737 kanals 3 marlas situated in village Taruwana, Tehsil and District Sirsa. Vide letter dated 17.11.1982 Ex.P-6, the authority concerned declared 300 kanals of 'C' category land to be surplus. Aggrieved by the said decision,



an appeal was preferred by Meet Singh, which came to be partly accepted by the Collector on 04.04.1983 (Ex.P-5) and instead of 300 kanals, land measuring 113 kanals 3 marlas was declared surplus. Still aggrieved, Meet Singh filed a revision petition before the Commissioner, Hisar Division. However, during the pendency of the said revision petition, Meet Singh unfortunately expired on 10.12.1985. After his death, the revision petition was dismissed vide order dated 19.09.1986 (Ex.P-4).

4. Thereafter, the legal representatives of Meet Singh instituted the instant civil suit.

5. The suit came to be decreed by the trial Court vide judgment and decree dated 12.12.1989. However, the State of Haryana preferred an appeal against the said decision of the trial Court, which was allowed by the First Appellate Court, and the suit was dismissed.

6. It was thereafter that the instant regular second appeal was filed.

7. During the course of arguments, learned Senior counsel representing the appellant has raised a number of arguments, including an argument that the facts noticed in the order dated 17.11.1982, to the effect that a notice had been issued to Meet Singh and response had been submitted, are factually incorrect, as no notice was ever issued. He submits that once no notice had been issued, the Civil Court would have the jurisdiction to deal with the matter.

8. *Per contra*, learned State counsel has submitted that in view of the provisions of Section 26 of the Haryana Ceiling on Land Holdings Act, 1972, (hereinafter referred to as the '1972 Act'), the Civil Court did not



have the jurisdiction to deal with the matter. He further submits that in terms of Section 18(6) of the 1972 Act, the legal representatives of Meet Singh could have approached the Court of Financial Commissioner against the order of the Commissioner vide which the revision petition had been dismissed. Learned counsel submits that in terms of Section 18(6), the Financial Commissioner could have taken cognizance *suo motu* as well.

9. Be that as it may, during the course of arguments, learned counsel for the parties, have arrived at a consensus.

10. Learned Senior counsel submits that even if the Civil Court had no jurisdiction, the appropriate course would have been to relegate the parties to the Court of the Financial Commissioner by exercising powers under Order 7 Rule 10-B CPC. He further submits that the once the First Appellate Court had recorded a finding that the Civil Court had no jurisdiction, it should not have decided the matter on merits.

11. Learned State counsel concedes that there is no quarrel with the said settled position of law.

12. Learned counsel for the parties are *ad idem* that since the Civil Court was not having jurisdiction to deal with the matter, the appellant be relegated to the Court of the Financial Commissioner to assail the orders dated 17.11.1982, 04.04.1983 and 19.09.1986.

13. Learned Senior counsel representing appellant submits that since the appellant was genuinely pursuing remedies before this Court, he shall invoke the provisions of Section 14 of Limitation Act, 1963.

14. That being so, the judgment and decree dated 24.10.1990 passed by the Court of District Judge, Sirsa setting aside the judgment and

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decree dated 12.12.1989 passed by the Court of Additional Senior Sub Judge, Sirsa are set aside. The appellant is relegated to the Court of Financial Commissioner, Haryana, who shall deal with the matter in accordance with law. Plaint/record be returned as per rules.

15. Keeping in view the fact that the appellant has been pursuing his remedies before this Court since 1991, this Court observes that a sympathetic view be taken with regard to limitation, especially since the appellant would be entitled to invoke Section 14 of the Limitation Act, 1963.

16. Since in the present appeal, proceedings for utilization of land and dispossession of the appellant had been stayed as far back as on 01.02.1991, the said order shall continue till the Financial Commissioner takes a decision on the question of stay. The parties may appear before the Court of Financial Commissioner, Haryana on 22.04.2026 at 10.00 A.M. for further proceedings.

(VIKRAM AGGARWAL)
JUDGE

06.04.2026

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| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |