

2026:PHHC:014383



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1871 of 1994 (O&M)

Arjan Singh

. . . . Petitioner

vs.

Jangir Singh and another

. . . . Respondents

Reserved on: January 29, 2026

Pronounced on: February 02, 2026

Pronounced fully/operative part : Fully

*** * * ***

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By:- Mr. Kamal Narula, Advocate for the appellant.

Mr. Sandeep Punchhi, Advocate for respondent No.1.

DEEPAK GUPTA, J.

The plaintiff is before this Court in the present Regular Second Appeal assailing the reversal of the decree passed by the trial Court. The suit for declaration with consequential relief of permanent injunction, instituted by the plaintiff in respect of the property in dispute, was decreed by the learned trial Court on 22.09.1993. However, the appeal preferred by defendant No.1, namely Jangir Singh (*respondent No.1 herein*), was accepted by the learned Additional District Judge, Ferozepur, vide judgment dated 23.04.1994, whereby the suit was dismissed and the findings of the trial Court were reversed.

2. The trial Court record was summoned and carefully perused. For the sake of clarity, the parties are referred to in accordance with their respective status before the trial Court.

3. The land in dispute, measuring 28 kanal 16 marla as detailed in the heading of the plaint, is admittedly owned by the Provincial Government. The case set up by the plaintiff is that he was in actual, continuous, and uninterrupted cultivating possession of the suit land and that the defendants had no right or concern with the same. It was alleged that in connivance with

**RSA No.1871 of 1994 (O&M)**

the Halqa Patwari, the defendants managed to get the revenue entries manipulated in their favour and, under the garb of such illegal entries, attempted to dispossess the plaintiff. On these assertions, the plaintiff sought a declaration that he was in cultivating possession of the suit land as reflected in the jamabandi for the year 1979–80, along with a decree of permanent injunction restraining the defendants from interfering in his possession on the basis of khasra Girdawari entries recorded for *Hari 1987 and Sauni 1989*.

4. Defendant No.1 filed a written statement asserting that he himself was in possession of the suit land and had rendered it cultivable, and that the plaintiff had no concern whatsoever with the land. He pleaded that there was a dispute regarding the entries in the khasra Girdawari for the period from Kharif 1988 to Kharif 1989, which was declared disputed by the revenue authorities. After spot inspection, the Assistant Collector Grade-II ordered correction of the khasra Girdawari in his favour, which was duly incorporated.

5. Defendant No.2, in his separate written statement, contended that out of the total land measuring 28 kanal 16 marla, his son was in possession of 4 kanal 16 marla. He further pleaded that earlier Tara Singh, Kehar Singh, and Arjan Singh sons of Sardara Singh were in possession of the land to the extent of one-third share each. Tara Singh had allegedly delivered possession of his share to defendant No.2 in the year 1987, whereas Kehar Singh had delivered his share to one Kashmir Singh in 1978. On this basis, defendant No.2 claimed that the suit land was in possession of himself, Kashmir Singh, and Arjan Singh to the extent of one-third share each, and that defendant No.1 had no concern with the land. He also alleged that the revenue entries in favour of defendant No.1 were illegally corrected.

6. Upon the pleadings of the parties, necessary issues were framed and evidence was led. The trial Court, vide judgment dated 22.09.1993, concluded that Tara Singh, Kehar Singh, and Arjan Singh were earlier recorded in possession of the suit land to the extent of one-third share each. It was held that although Tara Singh and Kehar Singh had delivered possession of their

**RSA No.1871 of 1994 (O&M)**

respective shares to defendant No.2 and Kashmir Singh, Arjan Singh continued to be in possession of one-third share. The trial Court further found that the correction of khasra Girdawari in favour of defendant No.1 had been effected without notice to the plaintiff. Consequently, the suit was decreed by holding the plaintiff and defendant No.2 to be in joint possession to the extent of one-third share each, declaring the correction of Girdawari from *Sauni 1989* in favour of defendant No.1 to be null and void, and restraining him from interfering in the plaintiff's possession.

7. In appeal, the learned First Appellate Court re-appreciated the entire evidence and reversed the findings of the trial Court. It was held that the jurisdiction of the Civil Court was barred insofar as correction of entries in the record of annual inspection register, and mutation register was concerned. It was further noticed that in the jamabandi for the year 1990–91 (Ex.D4), defendant No.1 was recorded as being in cultivating possession of the suit land falling under khasra Nos. 9, 10, and 11, and that khasra Girdawari entries from *Sauni 1989* onwards stood in his name. These subsequent entries were never challenged by the plaintiff.

8. The Appellate Court also noticed that in the jamabandi for the year 1985–86, the nature of the land was recorded as “*sailab*” (flooded land), indicating absence of cultivation. Relying upon the judgment of this Court in ***Bhag Singh v. Arian Singh, 1982 PLJ 9***, it was held that possession of agricultural land follows cultivation, and in the absence thereof, possession reverts to the owner, i.e., the Provincial Government. It was further found that defendant No.1 had sought correction of the Girdawari due to a dispute regarding possession, that spot inspection was conducted, a report was entered in the Roznamcha waqiyati (Ex.D9), and upon verification, the Tehsildar ordered correction of the Girdawari in favour of defendant No.1 from *Sauni 1989* onwards. The subsequent jamabandi for the year 1990–91 (Ex.D4) reflected the said position. An application moved by defendant No.2 for correction of Girdawari had also been dismissed by the Assistant Collector Grade-II on



RSA No.1871 of 1994 (O&M)

26.11.1991 (Ex.D3), which order remained unchallenged. Suit was accordingly dismissed by allowing the appeal of defendant N: 1.

9. Assailing these findings, learned counsel for the appellant-plaintiff contends that the well-reasoned judgment of the trial Court was wrongly reversed by the First Appellate Court by mis-appreciating the evidence on record, and that a suit for declaration challenging correction of khasra Girdawari was maintainable in view of Section 45 of the Punjab Land Revenue Act, 1887.

10. *Per contra*, learned counsel for respondent No.1 submits that the findings of the First Appellate Court are based on proper appreciation of evidence and do not call for interference.

11. Having considered the submissions of both sides and perused the record, this Court finds that the findings recorded by the First Appellate Court are neither perverse nor illegal. The Appellate Court has correctly appreciated the revenue record, the nature of the land, the effect of subsequent unchallenged entries, and the proceedings conducted by the competent revenue authorities. The jurisdictional bar and the settled principle that possession of agricultural land follows cultivation have been correctly applied.

12. In a Regular Second Appeal, interference by this Court is permissible only when a substantial question of law arises. Re-appreciation of evidence or substitution of factual conclusions is impermissible unless the findings are shown to be perverse, based on no evidence, or in violation of settled principles of law. No such infirmity has been demonstrated in the present case. Accordingly, finding no merit in the appeal, the same is dismissed.

(DEEPAK GUPTA)
JUDGE

February 02 , 2026
Sarita/Jiten

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

Uploaded on: February 02, 2026