

2026:PHHC:053284



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

**RA-CW-99-2026 in
CWP-9496-1993
Date of Decision: 12.03.2026**

Viranwali Gulati (Deceased) Through LRs.

..... Review Applicant/Petitioner

Versus

Defence Estate Officer, Jalandhar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Ajaivir Singh, Advocate
for the review applicant/petitioner.

Mr. Harpreet Singh, AAG, Punjab.

HARSH BUNGER J. (ORAL)

By way of the present review application, the review applicant/petitioner is seeking a review of the judgment dated 31.07.2025 passed by this Court in CWP No.9496 of 1993.

2. Learned senior counsel for the review applicant/petitioner submits that the present review application is being filed pursuant to the liberty granted by the Division Bench of this Court in LPA No.3698 of 2025, vide order dated 20.01.2026. The relevant extract thereof reads as follows:-

"1. Learned Senior Counsel appearing on behalf of the

appellants submits that the question whether the demarcation of the property was necessary to find out the area which was purchased by the appellants in accordance with the boundaries given in the said document could not be raised before the learned Single Judge for consideration hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to the appellants to file a review application before the learned Single Judge.

2. Ordered accordingly.”

3. The grounds for seeking review of the judgment dated 31.07.2025 are primarily contained in paragraphs No.3 to 9 of the review application, which read as under:-

“3. That admittedly the Appellant purchased the land measuring 2.67 acres forming part of Bungalow No.59, Bhim Road, Jalandhar Cantt., being the highest bidder in the auction proceedings and after making the full payment. However, mutation of land was not recorded by the Defence Estate Officer (DEO) which resulted into correspondences, letters and Impugned communication dated 12.02.1992 which was subject matter of the writ petition.

4. That the conveyance deed dated 20.12.1962, along with Shedule-I duly executed by the President of India as vendor, specifically provides the boundaries of the land sold, and although a site plan was also annexed, the boundaries themselves are sufficient for identification of the property in terms of Order VII Rule 3 CPC. The said conveyance deed is a registered document executed in accordance with law which has throughout remained unchallenged and the entire payment was made in accordance with the area and boundaries fixed therein.

5. That after the date of purchase, the Respondents did not effect mutation on the ground that certain surveys bearing Survey Nos.259 and 261 were conducted, wherein Survey No.261 allegedly reflected the area under Bungalow No.59 to

be 1.65 acres only. The entire stand of the Respondents is based on such unilateral surveys conducted without associating the Review Applicants, without demarcation on the spot, and without any notice to the purchasers.

6. That it is a matter of record that possession of the entire land purchased in auction was delivered to the Review Applicants and they continue to remain in uninterrupted possession thereof. Therefore, the auction proceedings, the conveyance deed executed by the President of India, the price accepted by the Rehabilitation Department, and the registration of the conveyance deed clearly establish the entitlement of the Review Applicants to mutation of the land in their favour.

7. That the writ petition challenged the communication dated 12.02.1992, whereby the request for mutation was declined by the DEO on the ground that any sale beyond the area depicted in the GLR does not bind the authorities. However, even in the said letter, the authorities themselves suggested mutation to the extent of 1.65 acres and advised the purchasers to seek resolution regarding the additional 1.02 acres, thereby implicitly acknowledging the transaction and the conveyance.

8. That this Hon'ble Court, while dismissing the writ petition, has held that since Survey No.261 reflects an area of 1.65 acres, the same can safely be treated as the extent of ownership, and further held that GLR entries constitute conclusive proof of title. The said finding suffers from a patent error apparent on the face of the record as neither the Cantonments Act nor the Cantonment Land Administration Rules, 1937 confer such conclusive evidentiary value of GLR entries.

9. That as per the Cantonment Land Administration Rules, 1937, particularly Rules 2(f), 3 and 10, the GLR is merely a record maintained for administrative purposes, and its entries require corroboration from other evidence and title documents. Treating the GLR as conclusive proof of title constitutes a

manifest error apparent on record as far as entire demarcation is concerned. The title and demarcation are two different aspects.”

4. Evidently, the Conveyance Deed (Annexure P-1 of the writ petition) does not contain the extent of area of Bungalow No.59, Jalandhar Cantonment (which concededly forms a part of Survey No.261). Even as per Schedule I attached to the Conveyance Deed, i.e. Annexure P-2 of the writ petition; the measurement of sides of the plot in question are not mentioned. As per General Land Register (GLR), the area of Survey No.261 is 1.65 Acres. The Hon’ble Supreme Court in **“Union of India Vs. Robert Zomawia Street”, (2014) 6 SCC 707**, has held that entries made in GLR maintained under the Cantonment Land Administration Rules is conclusive evidence of title; accordingly, area of Bungalow No.59 has to be taken as 1.65 Acres and not 2.61 Acres (as claimed by petitioner).

5. Apparently, the grounds now sought to be raised in the instant review application were never raised during the hearing of the main writ petition. Further, the grounds now sought to be pressed neither disclose any error apparent on the face of the record nor demonstrate discovery of any new material which was not within the knowledge of the applicant at the time of the original proceedings. By filing the present review application, the review applicant/petitioner wants to re-argue and re-agitate the matter, which cannot be permitted in law.

6. Further, the Hon’ble Supreme Court in **“Sanjay Kumar Agarwal v. State Tax Officer” (1), 2023 AIR (Supreme Court) 5636**; has considered the scope of a review petition and has observed as under:-

“16. The gist of the afore-stated decisions is that: -

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the

record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected."

(v) A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

(vi) Under the guise of review, the petitioner cannot be permitted to re-agitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/ judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review..."

7. That apart, it is noticed that the present review application has been filed by a counsel, who was not a counsel for the petitioners, when the main petition was finally decided. In fact, the review applicants were represented in the main petition by Mr. Vikas Singh, Advocate and the present review application has been filed by Mr. Ajaivir Singh, Advocate, and Ms. Shazia K.Singh, Advocate. Apparently Mr. Ajayvir Singh, Advocate, and Ms. Shazia K.Singh, Advocate, did not appear at the time of

hearing of the main writ petition. It is not fair to the Court to change a counsel and file a review application. The conduct of such a party is reprehensible and deserves to be deprecated.

7.1 In **“Tamil Nadu Electricity Board v. N. Raju Reddiar”, (1997) 1 JT (SC) 486**, the Apex Court has observed as under:-

"Once an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed, that too by the Advocate on record who neither appeared nor was a party in the main case. It is salutary to note that Court spent valuable time in deciding the case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become in recent time, a practice to file such review petition as a routine, that too with change of counsel. Once the petition for review is dismissed, no application for clarification should be filed ... This practice of changing the Advocate and filing repeated petition should be deprecated with heavy hand for purity of administration of law and salutary healthy practice.

The application is dismissed with costs of Rs. 20,000/- as it is an abuse of process of Court in derogation of healthy practice."

7.2 In **“Dr. B.K. Subba Rao v. M.K. Parasaran” (1996) 7 JT (SC) 265**, the Supreme Court observed as under:-

"No litigant has a right to unlimited draught on the Court time and public money in order to get his affairs settled in the manner as he wished. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions."

8. Keeping in view the above discussion, I find no merit in the review application. Resultantly, the instant review application fails and the same is, accordingly, dismissed with costs of Rs.1,00,000/- to be deposited

with “*Punjab and Haryana High Court Bar Association Lawyers’; Family Welfare Fund (Account No.41564846387, S.B.I. High Court Branch)*”, within a period of four weeks from the date of receipt of the certified copy of this order.

9. All pending application(s), if any, shall also stand closed.

12.03.2026
Apurva

(HARSH BUNGER)
JUDGE

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