

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

RSA-1317-1996

Date of decision: 19.02.2026

State of Haryana and another

...Appellants

Versus

Kashmir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Gaurav Garg, AAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

It is defendants appeal against reversal.

2. Perusal of the record would reveal that Gian Singh, the father of the four plaintiffs (respondents herein) was a Lambardar in Village Beer Babran, who had expired in 1980. It was alleged by the defendants – appellants that said Gian Singh had recovered an amount of Rs.1,02,353/- as land revenue from the landowners for the crops of Kharif 1975 to Rabi 1978, which was required to be deposited with the defendants and as he had failed to do so, therefore, they (defendants) were entitled to auction a plot belonging to the plaintiffs i.e. sons of Gian Singh. The said act of the defendants was assailed by the plaintiffs i.e. sons of Gian Singh by filing a suit in 1991. The suit was duly contested by the defendants.

3. Respondent No.1 i.e. one of the sons of Gian Singh was duly served, but he did not put in appearance after making initial appearance through his counsel. Respondents No.2 and 4 have expired and their LRs could not be traced. The service upon respondent No.3 could also not be effected.

4. On considering the appeal on merits, it is noticed that it is for the recovery of the amount allegedly recovered by Sh. Gian Singh from the landowners as land revenue for crops of Rabi 1975 to 1978, for which the defendants wanted to auction the plot of the plaintiffs. Obviously, they



could not have done so without following the proper procedure. Learned Appellate Court has also observed that as per the provisions of the Punjab Land Administration Manual, though it is the duty of the village head man to collect the land revenue from the landowners and pay it to the tehsil, but in case he could not do so despite best efforts and when the responsibility for arrears of land revenue is not greater than that of the members of the brotherhood, then he should not be made the scapegoat. In this case, there was no evidence that the amount, claimed by the defendants – appellants was actually received by Sh. Gian Singh, Lambardar on account of the land revenue, from the land owners.

5. In the circumstances, there is no illegality or perversity in the view taken by the learned Additional District Judge, Hisar i.e. the First Appellate Court, in decreeing the suit of the plaintiffs – respondents.

6. No merits. Dismissed.

19.02.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**