



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

RSA-3557-1998 (O&M)

Reserved on :-02.02.2026

Date of Pronouncement:-04.02.2026

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State of Haryana and another

... Appellants

Versus

Data Ram (deceased) through LR's and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Ved Prakash, Senior DAG, Haryana.

Ms. Parul Saini, Advocate for
Mr. Deepak Singh Saini, Advocate
for respondents No.1 to 11.

VIRINDER AGGARWAL, J.

1. The present Regular Second Appeal (hereinafter referred to as "RSA") has been preferred by the appellants–defendants/State assailing the judgment and decree dated 25.02.1997 passed by the learned Additional District Judge, Ambala, whereby the judgment and decree dated 15.06.1996 rendered by the learned Additional Civil Judge (Senior Division), Ambala City, partly decreeing and partly dismissing the suit instituted by the respondents–plaintiffs, was modified.

1.1. The appellants/State seek reversal of the impugned judgment and decree and pray for dismissal of the suit of the respondents–plaintiffs, contending that the appellate interference has resulted in a substantial



miscarriage of justice. It is respectfully urged that the impugned judgment and decree is vitiated by patent perversity, grave errors of law, and a fundamentally erroneous appreciation of the pleadings and evidence on record, thereby occasioning serious injustice. The appellants/State, therefore, beseech this Court to exercise its appellate jurisdiction and set aside the impugned judgment and decree.

2. The sequence of events antecedent to, and culminating in, the present appeal may be succinctly set out as under -

“The suit property comprises land measuring 96 Kanals, situated within the revenue estate of village Tangail, Tehsil and District Ambala, as more fully and particularly described in the head-note of the plaint.

The suit land was originally owned by the State of Haryana and was classified as inferior land. The same was allotted to the plaintiffs, namely Sant Ram, Data Ram, and Asa Ram, for a fixed period of ten years commencing from Kharif 1966 and concluding with Rabi 1976, on payment of Chakota, the plaintiffs belonging to the Kahar community, which stood notified as a backward class by the State of Haryana. It was averred that the plaintiffs, upon allotment, undertook substantial efforts and incurred considerable expenditure to render the land cultivable and regularly and punctually paid the Chakota. During the subsistence of the allotment, one of the allottees, Sant Ram, expired, whereupon his legal heirs stepped into his shoes and continued to cultivate the land as allottees.

It was further pleaded by the plaintiffs that in the year 1976, they submitted an application for purchase of the suit land before the Tehsildar (Revenue) pursuant to the directions of the Deputy Commissioner (Collector), Ambala. In furtherance thereof, the plaintiffs deposited the sale consideration at the rate of Rs.40/- per killa along



with other requisite charges. It was asserted that a sale deed was executed in their favour by the State of Haryana; however, the relevant file was allegedly withheld in the office of the Kanungo for obtaining the requisite sanction of the Deputy Commissioner, as a consequence of which no sale deed was ultimately issued to the plaintiffs. It was further averred that after an inordinate lapse of time, the plaintiffs were informed by the office of the Kanungo that the Tehsildar (Sales) proposed to auction the suit land and that the land would not be transferred in favour of the plaintiffs, thereby compelling them to institute the present suit.”

3. The suit was contested by the defendant, namely the State of Haryana. In its written statement, it was admitted that the suit land had been leased out to the plaintiffs strictly in accordance with the terms and conditions stipulated in the lease deed. It was pleaded that in the year 1970, the Revenue Department transferred the work relating to the disposal of the inferior evacuee land in question to the Rehabilitation Department and that the plaintiffs could seek transfer of the land on concessional rates prescribed by the Government only upon due and strict compliance with the prescribed terms and conditions. It was further asserted that upon expiry of the lease period, the possession of the plaintiffs became unauthorized, rendering them liable to be ejected forthwith.

3.1. It was specifically denied that the suit land was ever transferred in favour of the plaintiffs, and it was pleaded that, in the absence of any such transfer, no question of execution of a sale deed in their favour could arise. It was further averred that in the year 1961, the Central Government had transferred the inferior rural evacuee land to the



State Government for disposal in accordance with the applicable policy and instructions. It was asserted that the State Government was fully competent and duly empowered to dispose of the suit land in accordance with the governing instructions and that the action of the Tehsildar (Sales) in proposing to put the land to auction was legal, valid, and within jurisdiction. It was thus pleaded that no right, title, or interest ever accrued to the plaintiffs in respect of the suit land.

3.2. The suit was also assailed on preliminary objections, inter alia, on the grounds of lack of jurisdiction, non-maintainability, and for want of a mandatory notice under Section 80 of the Code of Civil Procedure.

4. Upon a meticulous and comprehensive examination of the pleadings, documentary material, and the respective submissions advanced on behalf of the parties, the learned Trial Court, with a view to facilitating a clear, precise, and effective adjudication of the rival claims and defences, proceeded to frame the issues for determination, which were as under:-

1. *Whether the plaintiffs are owners and in lawful possession of the suit property ?OPP.*
2. *Whether the plaintiffs are entitled for injunction the allegations contained in the plaint ?OPP.*
3. *Whether the Civil Court has got no jurisdiction as averred in para No.1 of Pre. Objection of the W/S?OPD.*
4. *Whether the suit is not maintainable in view of the allegations contained in para no.2 of Pre.Objection of the W/S?OPD.*
5. *Whether the suit is bad for want of notice u/s 80 CPC?OPD.*
6. *Whether the plaintiffs have no right, title or interest in the suit property and have no locus standi to file this suit ?OPD.*



7. *Whether the suit is bad for non-joinder of necessary parties? If so, its effect?OPD.*

8. *Relief.*

5. Both parties were afforded a full, fair, and adequate opportunity to lead evidence in substantiation of their respective pleadings. Upon the conclusion of the trial, and after hearing learned counsel for the parties at length, the learned Trial Court proceeded to partly decree the suit, recording, *inter alia*, the following observations:—

“In view of the findings recorded on the various issues and the foregoing discussion, the suit instituted by the plaintiffs is found to be partly meritorious and partly untenable.

The relief sought by the plaintiffs for a declaration of ownership in respect of the suit land is hereby declined. However, the defendants are restrained from dispossessing the plaintiffs from the land in dispute except in accordance with due process of law.

Having regard to the facts and circumstances of the case, the parties are left to bear their own costs. A decree sheet be prepared accordingly.”

6. Aggrieved by the judgment and decree passed by the learned Trial Court, the respondents/appellants preferred an appeal before the learned First Appellate Court. Upon a reappraisal of the pleadings, evidence, and submissions advanced on behalf of the parties, the learned First Appellate Court allowed the appeal and recorded, *inter alia*, the following observations:-

“Resultantly the appeal in hand is accepted with costs. The judgment and decree of the learned lower court are modified. The suit of the plaintiffs is decreed for permanent injunction restraining the defendants from interfering into peaceful and lawful possession of the



plaintiffs. They are also restrained from auctioning the suit land, as the plaintiffs have become owners of the suit land subject to issuance of formal sale certificate by the defendants. sheet be prepared accordingly.”

6.1. Assailing the findings and conclusions recorded by the learned First Appellate Court, the appellant–State has instituted the present appeal. Upon its admission, notices were duly issued, whereupon the respondents entered appearance through learned counsel and contested the appeal. For the purpose of effective, comprehensive, and just adjudication of the controversy, the complete records of the Courts below were requisitioned and examined in detail.

7. I have heard learned counsel for the parties and considered their submissions in conjunction with the pleadings, evidence, and the findings recorded by the courts below. The entire record has been meticulously analyzed to determine *‘whether the impugned judgment and decree suffer from any legal infirmity or error justifying interference by this Court?’*

8. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of ***Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157***, followed by the judgments in the case of ***Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317 and Satender and others V/s Saroj and others, 2022(12) Scale 92***. Relying



upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

9. Learned counsel appearing for the appellants—State has assailed the impugned judgments and decrees on the ground that the learned Courts below have returned findings founded on conjectures and surmises, without a proper appreciation of the pleadings and evidence on record. It is contended that the suit land had been allotted to the respondents—plaintiffs purely on lease; that in the year 1970 the Revenue Department transferred the work relating to the disposal of inferior evacuee land to the Rehabilitation Department; and that the respondents—plaintiffs could have sought transfer of the land only on concessional rates and strictly in accordance with the prescribed terms and conditions. It is further urged that upon expiry of the lease period, the possession of the respondents—plaintiffs became wholly unauthorized, disentitling them to the relief of injunction as prayed for. On these premises, learned counsel submits that the appeal deserves to be allowed and the impugned judgment and decree be set aside.

10. Per contra, learned counsel appearing for the respondents has emphatically supported the impugned judgment and decree, submitting that the learned First Appellate Court has rendered well-reasoned findings upon a correct and comprehensive appreciation of the pleadings, documentary evidence, and oral testimony available on record. It is contended that the conclusions arrived at are neither arbitrary nor perverse, but are firmly founded on the material produced by the parties and the settled principles of law governing the field. It is urged that no material evidence has been ignored, nor has any irrelevant consideration weighed



with the Court below, so as to warrant interference in the exercise of appellate jurisdiction. On the basis of the aforesaid material on record, learned counsel submits that the impugned judgment and decree call for no interference and the appeal, being devoid of merit, deserves to be dismissed.

11. It is an admitted and undisputed fact that the suit land was initially granted to the respondents–plaintiffs by way of lease for a period of ten years, subject to a specific condition that upon the expiry of the lease period, the respondents–plaintiffs would be entitled to purchase the land at concessional rates, in accordance with the policy and orders of the competent authorities.

11.1. The consistent case of the respondents–plaintiffs has been that, in exercise of the option so conferred, they deposited the requisite sale consideration as directed by the authorities, whereafter a sale certificate was issued in their favour. The copy of the said sale certificate has been duly proved on record as Ex.P4. During the proceedings before the Collector, the statement of Data Ram was recorded on 24.07.1975, a copy whereof stands proved as Ex.P2. Further, the share amount was deposited on 14.07.1978 vide challan, the copy of which has been exhibited as Ex.P3. These documents, taken cumulatively, clearly demonstrate compliance by the respondents–plaintiffs with the conditions governing the transfer of the suit land.

12. The appellants–defendants have sought to controvert the aforesaid position by contending that the work relating to allotment and disposal of the inferior evacuee land in question stood transferred to the Rehabilitation Department in the year 1970, and, therefore, the revenue



authorities were allegedly not competent to issue the sale certificate. However, this plea stands contradicted by the subsequent conduct of the appellants–defendants themselves. After filing the written statement in the present suit, an officer of the appellant–State passed an order dated 06.06.1989, exhibited as Ex.D3, during the pendency of the suit, whereby the application for transfer of land was rejected by the Tehsildar (Sales).

13. A perusal of the said order reveals that the rejection was effected without affording any opportunity of hearing to the respondents–plaintiffs. It is trite law that administrative and quasi-judicial authorities are bound to adhere to the principles of natural justice, of which the rule of ‘*audi alteram partem*’ constitutes a foundational and indispensable requirement. No adverse order affecting the rights of a person can be validly passed without granting such person a reasonable opportunity of being heard.

14. In the present case, it is not in dispute that the respondents–plaintiffs had already instituted the civil suit seeking protection of their possession and rights, and that the appellants–defendants were fully aware of the pendency of the litigation, having filed their written statement and contested the suit. Despite this, the order Ex.D3 was passed on the ostensible premise that respondent–plaintiff Data Ram had refused to receive notice, and on that basis the application was rejected on the ground that the terms and conditions of the lease had not been fulfilled and that the land had not been rendered cultivable.

14.1. Such a conclusion is demonstrably contrary to the record. The statement of Data Ram, recorded as far back as the year 1975 and proved



on record as Ex.P2, unequivocally establishes that the land was being regularly cultivated. This statement formed part of the official record of the appellants–defendants themselves. By completely ignoring the earlier record and material available on its own files, and by passing the order Ex.D3 during the pendency of the suit, the appellants–defendants have acted in a manner that smacks of arbitrariness and lack of *bona fides*.

14.2. It is well settled that post-independence, and particularly after the coming into force of the Constitution of India in the year 1950, all administrative authorities are obligated to act in accordance with the rule of law. Any arbitrary, capricious, or *mala fide* exercise of power is violative of constitutional principles and cannot be sustained. In the facts of the present case, the order Ex.D3 is clearly vitiated, having been passed in breach of the principles of natural justice and with an apparent oblique motive to create a ground for the dismissal of the suit instituted by the respondents–plaintiffs. Such conduct on the part of public authorities is wholly deprecated.

15. In view of the admitted position that the respondents–plaintiffs were inducted into possession as lessees, that they duly exercised the option to purchase the suit land in terms of the lease conditions, that the sale consideration was deposited pursuant to the orders of the competent authorities, and that a sale certificate was issued in their favour, the respondents–plaintiffs are clearly entitled to protection of their possession and rights in respect of the suit land.

15.1. The judgment and decree passed by the learned First Appellate Court are founded upon sound reasoning and a proper and judicious



appreciation of the entire material on record. The learned Courts below have also rightly held that the civil Court has jurisdiction to adjudicate the present dispute, as the question of title to the suit land squarely arises in the litigation.

15.2. Consequently, the appeal filed by the appellants–State is devoid of merit and is hereby dismissed. The judgment and decree passed by the learned First Appellate Court are affirmed.

16. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings, shall stand disposed of by necessary consequence. In light of the conclusions recorded hereinabove, no separate or independent orders are warranted in respect of such applications, their consideration having become wholly infructuous and merely academic.

04.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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