



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

LPA No.1327 of 2026 (O&M)
Date of Decision : 07.05.2026

**MAKAN DHARAMSHALA KANSIWALA, SULTANWINDGATE,
AMRITSAR**

.....Appellant

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rajiv Kataria, Advocate with
Ms. Sushmeet Kaur, Advocate for the appellant.

Mr. Rahul Rampal, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, challenge is to the order passed by the learned Single Judge dated 25.02.2026 by which, directions have been given to the Financial Commissioner, who is the highest authority in the Revenue Department, to decide the issue with regard to the surplus land at the hands of the appellant, who were owners, under the Punjab Land Reforms Act, 1972 (for short '1972 Act').

2. Learned counsel for the appellant submits that first of all, no such directions could have been given that matter is to be dealt with by the Financial Commissioner and in case the State intended to initiate proceedings under the 1972 Act, it could have initiated *suo motu* proceedings. Further, even if such direction was to be given, the matter had to be remanded back to the Collector for initiation of the process rather than

remanding back it to the Financial Commissioner. Hence, the learned Single Judge, while passing the order dated 25.02.2026, has given a direction beyond the scope of the writ petition and the same is liable to be set aside.

3. We have heard learned counsel for the appellant and have gone through the records of the present case with his able assistance.

4. It may be noticed that the grievance projected by the appellant is that though the land belonging to the appellant was declared surplus under the PEPSU Tenancy and Agricultural Lands Act, 1955 (for short '1955 Act'), but, as per the settled law after the 1972 Act came into being, in case such surplus land was not utilized, fresh orders were required to be passed in terms of 1972 Act as to whether such land was still to be declared surplus and vested with the State or not. In the absence of such proceedings being undertaken under the 1972 Act especially when till 1974 such surplus land was not utilized, the appellant is required to be treated as owner of the said land for all intents and purposes.

5. It may be noticed that though after the promulgation of the 1972 Act, the land was utilized in the year 1974 and allotted the same to the private respondent and qua the said aspect, the appellant had not taken any objection till the filing of the writ petition in the year 1993. Still, the learned Single Judge, after appreciating all the facts, gave a direction to the highest revenue authority i.e. the Financial Commissioner to decide the said issue as to whether the land was required to be declared surplus after the promulgation of the 1972 Act or not as, the same was not utilized upto 1972.

6. The said direction has been given keeping in view the fact that the land had already been utilized in 1974. In order to conclude the proceedings at the earliest and to cut short the litigation, such direction was

given to the highest authority in the Revenue Department to determine the issue. Hence, once the land has already been utilized about 52 years ago in the year 1974, the request of the appellant that the said issue should be first initially decided by the Collector so that the remedy of appeal, if any, should be made available, cannot be accepted.

7. Under Article 226 of the Constitution of India, the required justice is to be done keeping in view the interests of various parties and the facts and circumstances of the present case, even if certain procedures/technicalities are required to be ignored.

8. The learned Single Judge, in order to achieve the purpose of litigation at the earliest, has given a direction that the said issue be decided by the Financial Commissioner, which needs no interference at the hands of this Court.

9. The argument raised by learned counsel for the appellant is that no such direction could have been given and it is the State which should initiate the process without any direction from the Court.

10. It may be noticed that third party rights had already come into being as the land had already been utilized in 1974. In case the matter is left at the liberty of the State and no such action is taken by the State, the third party is likely to suffer prejudice. Hence, in order to decide the issue, such direction was given rather than merely granting liberty to the State to initiate the said process. Therefore, keeping in view the totality of the circumstances noticed hereinbefore, that the land already stood utilized as far back as in 1974, the direction so given by the learned Single Judge cannot be treated as perverse.

11. No other argument has been raised.

12. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present appeal.

13. Accordingly, the present appeal stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

07-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO