

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

116

LPA No.1384 of 2026 (O&M)

Date of Decision: 14.05.2026

ASHOK KUMAR AND OTHERS

.....Appellants

Versus

STATE OF HARYANA & OTHERS

.....Respondents

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

Present: Mr. Parminder Singh, Advocate,
for the appellants.

HARSIMRAN SINGH SETHI, J. (Oral)

1. The present appeal has been filed against the judgment of the learned Single Judge dated 08.04.2026, by which, the order dated 26.10.1994 passed by the Ld. Financial Commissioner, Haryana by which, the allotment of surplus land in favour of Sadhu Ram, the predecessor-in-interest of respondents No.4 to 10, has been upheld.

2. Few facts need to be taken into consideration for proper adjudication of the matter at hand. One Sh. Takan Dass being a big land owner transferred some of his land in favour of his son Radha Krishan, vide decree dated 27.04.1959. After such transfer, land belonging to Takan Dass was declared surplus on 05.11.1962 by the then Collector, by ignoring said transfer dated 27.04.1959 made out of the said declared surplus land.

3. Thereafter, on two occasions, some of the surplus land so declared on 05.11.1962, came to be allotted in favour of one Sadhu Ram in the years 1962 and 1965.

4. Thereafter, one Sant Ram and Gurvinder Singh purchased some land from the son of original big land owner, namely Radha Krishan, vide



sale deed dated 22.06.1974, which land was later transferred by Gurvinder Singh in favour of Sant Ram.

5. Qua the surplus land allotted in favour of Sadhu Ram in 1962 a certificate was issued in favour of Sadhu Ram.

6. Learned counsel appearing on behalf the appellants argues that the surplus land belonging to predecessor-in-interest of the appellants, which was purchased by them from the son of a big land owner, namely, Radha Krishan, the same had not been utilized and therefore, the respondents-authorities were under obligation to re-adjudicate whether, there existed any surplus land at the hands of Takan Dass so as to be allotted to Sadhu Ram, who is predecessor-in-interest of respondents No.4 to 10. Learned counsel for the appellants submits that the said adjudication was not done by the authorities concerned and the said fact has not been appreciated by the learned Single Judge also and therefore, the respondents are not liable to be directed to adjudicate whether, there is existed any surplus land, allotment of which, is being claimed by the predecessor-in-interest of respondents No.4 to 10 i.e., Sadhu Ram.

7. We have heard the learned counsel for the appellants and have gone through the record with his able assistance.

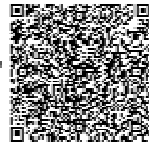
8. It may be noticed that the land belonging to the predecessor-in-interest of respondent No.11-Radha Krishan, i.e. Takan Dass was declared surplus vide order dated 05.11.1962 which surplus land was ultimately allotted in favour of Sadhu Ram, predecessor-in-interest of respondents No.4 to 10. As, the utilization certificate was not being given qua the surplus land having been allotted to Sadhu Ram by way of utilization of such surplus land, Sadhu Ram had filed a civil suit, which was dismissed. On an appeal preferred against said dismissal, the suit was allowed and it was held that the



land, which was declared as surplus, was allotted to Sadhu Ram and utilization certificate to that effect be given to him. In the Regular Second Appeal filed, the said judgment in first appeal that the land which had been declared surplus had already been utilized, by allotting the same to Sadhu Ram, was upheld and said view was also upheld upto the Hon'ble Supreme Court of India.

9. Once, the utilization of the surplus land by allotting the same to Sadhu Ram was upheld upto the Hon'ble Supreme Court of India and a utilization certificate was given to Sadhu Ram on account of him having been allotted such land by way of utilization, the argument being raised by the learned counsel for the appellants that such utilization of the land was contrary to the rules, cannot be delved into again in the present appeal as the said issue, concededly, had attained finality upto the Hon'ble Supreme Court of India in favour of Sadhu Ram. Once, the said issue stands settled, the attempts of the appellants seem to re-open the said issue so as to agitate again that Sadhu Ram was not allotted the surplus land or possession of the same was not given to him so as to deny the utilization of surplus land done by the government in order to get the same land back to the original owner at whose hand, the same was declared surplus.

10. The argument, which was raised by the learned counsel for the appellants that said surplus land was not utilized or possession of same was not given, has been dealt by the learned Single Judge by reproducing such findings of the appellate Court wherein, it was clearly mentioned that the land which was declared as surplus, was not only allotted to Sadhu Ram, but also the possession was handed over to him so as to entitle him for the grant of utilization certificate. The learned counsel for the appellants has not been able to rebut the said factual findings given by the Civil Court, which has



already attained finality upto the Hon'ble Supreme Court of India. Hence, raising the said issue in order to see a contrary view, is not possible.

11. No other argument has been raised.

12. Keeping in view the above, no ground to interfere in the present appeal is made out as the order passed by the authorities or learned Single Judge has not been proved to be perverse either on facts or on law.

13. The present appeal is dismissed accordingly.

14. The present order is dictated in open Court in the presence of learned counsel for the appellants.

15. Miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

14.05.2026

Sandeep

Whether Speaking/Reasoned :	Yes
Whether Reportable :	No