



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

236

LPA-1011-2010 (O&amp;M)

Date of Decision: 05.02.2026

**Kalawati (since deceased) through LR and another****....Appellants****Versus****State of Haryana and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

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**Present:** Mr. R.D.Bawa, Advocate  
Mr. Samuel Gill, Advocate  
Mr. Randhir Bawa, Advocate  
Mr. Rishabh Rana, Advocate  
for the appellants.

Mr. Sandeep Chhabra, Additional Advocate General, Haryana.

Mr. Pritam Singh Saini, Advocate  
Ms. Parul Saini, Advocate  
for respondents No.7 to 11.

Mr. Vinod Pundir, Advocate for  
Mr. Satbir Rathore, Advocate  
for respondents No.12 and 13.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present appeal, the challenge is to the order dated 19.05.2010 passed in CWP-10155-2005 by the learned Single Judge upholding the order passed by the revenue authorities declaring the land, which is being claimed by the appellant as being under his ownership, as a surplus land, which land already stands vested with the State of Haryana and has already been utilized for the purpose of allotment and same stands allotted



-: 2 :-

to the private respondents.

2. The learned counsel for the appellants submits that the land in question has wrongly been declared as a surplus, as the appellant was a bonafide purchaser of said land and therefore, the said bonafide purchase of land in question should have been taken into consideration so as to hold that the land purchased by the appellant measuring 82 Kanal 03 Marla on 09.02.1976 vide Annexure P-8, was under her ownership for all intents and purposes and declaring 62 Kanal as surplus is bad.

3. The learned counsel appearing on behalf of the respondent-State submits that the total land measuring 82 Kanal 03 Marla, 62 Kanal, purchased by the appellant out of the total 188 Kanal 11 Marlas belonging to the original owner namely Dawarki Devi, which land was declared surplus, the said land has already been utilized and allotted in favour of the private respondent.

4. The learned State counsel further submits that allotment of land in favour of the private respondents, which land was being claimed by the appellant under her ownership, the same has already attained finality upto the Hon'ble Supreme Court of India that the land so allotted in favour of the private respondents, which was set for utilization and allotment so done, was valid.

5. The learned counsel submits that once, the allotment of land in favour of the private respondents has already been upheld upto the Hon'ble Supreme Court of India, which decision was given after considering all the arguments raised at the hands of the appellant that she was the rightful owner, the same cannot be allowed to be re-opened in the present appeal.

6. We have heard the learned counsel for the parties and have gone



-: 3 :-

through the record with their able assistance.

7. It may be noticed that the land measuring 82 Kanal 03 Marla was purchased by the appellant on 09.02.1976 from a big land owner namely Dawarki Devi. Keeping in view the provisions of law, the land measuring 188 Kanal 11 Marla was declared surplus at the hands of Dawarki Devi and out of the said surplus land of 188 Kanal 11 Marla, the land measuring 62 Kanal was the land which was purchased by the appellant on 09.02.1976. Hence, for all intents and purposes once the decision was to be taken qua the surplus land as on 24.01.1971, on which date concededly the land which is being claimed in the ownership of appellant, was under the ownership of Dawarki Devi, i.e. the big land owner, the surplus land, even if sold subsequently to the appointed date of declaring the same as surplus, will vest with the State of Haryana as per Section 12(3) of the Haryana Ceiling on Land Holdings Act, 1972.

8. Further, the learned counsel for the appellant has not been able to dispute that after vesting of the land with State of Haryana, the State has already utilized the said surplus land and has allotted the same to the private respondent, which challenge raised at the hands of the appellant remained unsuccessful upto the Hon'ble Supreme Court of India. It has to be held that the surplus land at the hand of Dawarki Devi rightly vested with the State as the allotment of the same in favour of the respondent has already attained finality upto the Hon'ble Supreme Court of India that the same was rightly allotted by the State.

9. Once, the allotment of the land, which is being claimed as a ownership in the present proceedings by the appellant, has been treated to be vested with the State to be further allotted to the private respondent, which



-: 4 :-

allotment has already attained finality upto the Hon'ble Supreme Court of India, hence the appellant whose challenge has fastened upto the Hon'ble Supreme Court of India cannot be allowed to re-agitate the claim to show that he was the owner of the said land even as of now so as to contend that allotment of the said land in favour of private respondent is bad.

10. All these arguments were raised by the appellant before the Civil Court that the allotment of the land in favour of private respondents could not have been done by the State as the State was never the owner of the said land and the said land has to be treated as the ownership of the appellant, which argument has already been negatived and attained finality upto the Hon'ble Supreme Court of India, which fact has gone unrebutted at the hands of the appellant even during the hearing today.

11. In the present proceedings, the appellant cannot be allowed to raise the same argument for the consideration of this Court, which has already attained finality upto the Hon'ble Supreme Court of India.

12. Any argument with regard to the vesting of the land with the State cannot be agitated once, the said argument has already been pressed before the competent Court of law in the civil proceedings where after vesting of the land with State, the State had already allotted the surplusland in favour of the private respondents, which issue has already attained finality upto the Hon'ble Supreme Court of India in favour of State and private respondents.

13. Keeping in view the facts which have been mentioned hereinbefore, that once the allotment of the same land in favour of the private respondent by the State of Haryana after declaration of the same as surplus which allotment has already attained finality, the appellant cannot be allowed



**LPA-1011-2010 (O&M)**

-: 5 :-

to re-agitate the same issue so as to claim the ownership of the said land to the disadvantage of the allottees, who have already won upto the Hon'ble Supreme Court of India qua the allotment of land allotted to them by the State.

14. No other argument has been raised.

15. As no perversity has been shown to the existing in the impugned order dated 19.05.2010, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. Accordingly, the appeal is dismissed.

17. Pending applications, if any, also stand disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**February 05, 2026**

*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No