



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103+210(05)

Decided on :08.05.2026

CM-3193-LPA-2026 AND
CM-909-LPA-2025 in/and
LPA-1952-2014 (O&M)

JAGTAR SINGH AND ANOTHER ...Appellants

Versus

STATE OF HARYANA AND OTHERS . . . Respondents

CM-3195-LPA-2026 and
CM-879-LPA-2025 in
LPA-1953-2014 (O&M)

TRILOK SINGH AND ANR ...Appellants

Versus

STATE OF HARYANA AND OTHERS . . . Respondents

CM-3189-LPA-2026 and
CM-874-LPA-2025 in
LPA-1954-2014 (O&M)

CHANNO DEVI Appellant

Versus

STATE OF HARYANA AND OTHERS . . . Respondents

CM-3190-LPA-2026 and
CM-942-LPA-2025 in
LPA-1957-2014 (O&M)

JOGINDER SINGH AND OTHERS ...Appellants

Versus

STATE OF HARYANA AND OTHERS . . . Respondents

CM-3191-LPA-2026 and
CM-941-LPA-2025 in
LPA-1958-2014 (O&M)

TRILOK SINGH AND OTHERS ...Appellants

Versus



CM-3193-LPA-2026 AND
CM-909-LPA-2025 in/and
LPA-1952-2014 (O&M) and connected cases

STATE OF HARYANA AND OTHERS

. . . Respondents

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

PRESENT: Mr. Radhe Shyam Sharma, Advocate for the appellants.

Mr. Sandeep Chhabra, Addl. Advocate General, Haryana.

Mr. Ashok Kumar Verma, Advocate
for respondents No. 7 to 10, 13 and 14.

HARSIMRAN SINGH SETHI , J. (Oral)

1. As all the appeals involves the same question of law, hence, are being disposed of by common order. The facts have been taken from LPA-1952-2014.

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2. Present applications have been filed for recalling the order dated 23.04.2026, by which, the present letters patent appeals were dismissed for non-prosecution.

3. Keeping in view the averments enumerated in the present applications, which are duly supported by an affidavit(s), the same are allowed.

4. Consequently, the order dated 23.04.2026 is recalled and the Letters Patent Appeals are restored to its original number and status and the



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main Letters Patent Appeals are taken up for hearing today itself.

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CM-874-LPA-2025
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5. The prayer in the present applications is for impleading the legal representatives of respective respondents, who unfortunately died during the pendency of the present appeals, respectively, being necessary and effective party and to place on record the amended memo of parties.

6. Keeping in view the averments enumerated in the present applications, the same are allowed. Consequently, the legal representatives of respective respondents, whose particulars are mentioned in paragraph No 3 of each application are impleaded as respondents in the present appeals, respectively, and the amended memo of the parties are also taken on record, subject to all just exceptions.

LPA-1952-2014 and connected cases

7. In the present appeals, the challenge is to the impugned order dated 31.10.2014 passed by the learned Single Judge, whereby the writ petitions filed by the old tenants claiming that they had become owners of the land in question immediately upon the declaration of the land as surplus had been rejected. The learned Single Judge held that until the surplus land is utilized and allotted to the tenant, the original owner continues to be treated as the owner and is entitled to recover *batai* (rent) from the tenants.

8. Learned counsel for the appellants submits that the moment the land is declared surplus, a deeming fiction comes into operation whereby the



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tenant is to be treated as having been allotted the said land in question and therefore, the question of paying *batai* (rent) after declaration of the land as surplus does not arise. Learned counsel for the appellants submits that the learned Single Judge, while passing the impugned order dated 31.10.2014, has erred in holding the appellants liable to pay *batai* (rent) until the surplus land is allotted to them.

9. Per contra, learned counsel for the respondents submits that firstly, the declaration of the land as surplus is itself under challenge in another proceedings which are still pending consideration and secondly that until the land, though declared surplus, is actually allotted to the tenant by way of utilization proceedings, the owner whose land has been declared surplus continues to be treated as the owner for all intents and purposes, and entitled to the right to collect *batai* (rent) from the tenant. Learned counsel for the respondents further submits that the findings recorded by the learned Single Judge are perfectly valid and legal.

Learned counsel for the respondents further submits that for the last twelve years, although the appellants have continued to use the land without any allotment in their favour, no *batai* (rent) has been paid by them, which is causing prejudice to the respondents.

10. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

11. It may be noticed that merely because the land in question has been declared surplus, the tenants do not become owners of such land ipso facto. Until the said land is utilized and allotted as per the provisions of the



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relevant State Scheme after considering the eligibility of the tenants, such tenants continue to remain tenants and until then, if a tenant occupies any land, such a tenant is required to pay rent to the owner of the land. Therefore, until the land is utilized, the owner whose land has been declared surplus is rightly entitled to receive *batai* (rent) from the tenant.

12. Learned counsel for the appellants-tenants fairly concedes that, as of now, the surplus proceedings have not attained finality and no allotment of the land has been made in favour of the tenants. Hence, the status of the appellants, at present, continues to be that of tenants and not owners, unless and until the land in question is allotted to them by the State after being declared as surplus.

13. Learned counsel for the appellants-tenants has not been able to point out any perversity in the findings recorded by the learned Single Judge in the impugned order dated 31.10.2014.

14. Since, the order dated 31.10.2014 passed by the learned Single Judge can be interfered with only if the same is shown to be perverse or contrary to the facts on record or settled principles of law and in the present case, keeping in view that the surplus land has not been allotted to the present appellants-tenants as per the Haryana Utilization of Surplus and other Areas Scheme, 1976 and even the surplus proceedings have not attained finality, no such perversity has been shown before this Court.

15. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. At this stage, it may also be noticed that in case any competent



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authority or competent Court of law subsequently holds that the appellants are entitled to be treated as tenants to whom the surplus land has been allotted with retrospective effect, any *batai* (rent) paid for the said period will be refunded to the appellants by the respondent-landowners. Learned counsel for the respondents has given such an undertaking before this Court which is being noticed in the present order.

17. Further, the rent which is to be paid by the appellants will be withdrawn by the respondents after giving due surety of the same so that any payment made by the appellants remain secure in case the appellant becomes entitled for the refund of the same at any given point of time.

18. Accordingly, the present appeals are dismissed.

19. Pending civil miscellaneous application(s), if any, stand disposed of.

20. A photocopy of this order be placed on the file of other connected case(s).

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.05.2026

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*