

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

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LPA-653-2017 (O&M)**DATE OF DECISION: 14.05.2026****JOGENDER SINGH & OTHERS****... Appellants****Versus****STATE OF HARYANA & OTHERS****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Robin Dutt, Advocate for the appellants.

Mr. Vineet Chaudhary, Advocate for respondents No.4 and 5.

Mr. Sandeep Chhabra, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)**CM-4537-LPA-2019**

This is an application for impleading the legal representatives of respondent No.4 namely, Hans Raj.

Keeping in view the contents mentioned in the application, the same is allowed. The LR's of respondent No.4 as mentioned in paragraph 3 of the application are impleaded as party to the present appeal only for the purpose of pursuing the present litigation.

Registry is directed to make necessary changes in the memo of parties by impleading the LR's of respondent No.4 as party to the present appeal.

Main case

1. In the present appeal, the challenge is to the order dated 03.04.2017 passed by the learned Single Judge in CWP-6936-2017 by which, the order passed



by the Financial Commissioner dated 23.12.2016 (Annexure P-10) to hold that the allotment in favour of the private respondents made 27 years ago, cannot be looked into and such revision petition is barred by limitation, has been upheld.

2. Learned counsel appearing on behalf of the appellants argues that the appellants are the owner of the land on which, the private respondents have been rehabilitated by the State and therefore, the appellants need their land back and the respondents should be rehabilitated at some other place. Learned counsel further submits that though, the rehabilitation took place in the year 1982 but the challenge to the same could have been raised at any given point of time hence, treating the revision petition as barred, is incorrect, which aspect has not been looked into by the learned Single Judge.

3. Learned State counsel submits that the order allotting the land was challenged before the Collector which was decided in the year 1983 and the revision petition was only filed in the year 2011 which order passed in revision was rightly set aside by the Financial Commissioner vide order dated 23.12.2016, which order was rightly upheld by the learned Single Judge.

4. Learned counsel for the private respondents submits that after the Government had rehabilitated the respondents, the possession was given and they are in possession of the land since 1982 and now, the appellants cannot dislodge them from the said land on the pretext that the land belongs to them.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the allotment of the land in favour of the respondents was known to the appellants, and grievance was raised before the Collector, which grievance was decided by ordering ejectment of the respondent-Bishna but only after another land measuring 26 kanals and 05 marlas of land out of surplus land



was allotted to such respondent then, in case the appellants were aggrieved, they should have availed the appropriate remedy available within the time frame so as to approach the authorities to rehabilitate the respondent so that the land could be utilized by the appellants.

7. The land in question was initially allotted in favour of the private respondents in the year 1979 and in pursuance to the said allotment, the possession of the land was given in favour of the private respondent which was objected to by the appellants before the SDO(C)-cum-Allotment Authority. Though, the said authority passed an order directing the vacation of the land by the respondents but on an appeal preferred by the respondents, they were allowed to retain the land till any alternative land is allotted to them vide order dated 07.11.1983. The said order was accepted by the appellants and never challenged the same. The revision petition was filed by the appellants before the Financial Commissioner only in the year 2011 that their land should be vacated by respondents which revision petition was dismissed by the Financial Commissioner on the ground of delay, which reasons given by the Financial Commissioner have also been upheld by the learned Single Judge.

8. It goes without saying that one has to be vigilant about his/her right. From 1983 onwards for the period of 23 years, no action was taken and the land remained in occupation of the private respondents. And as of now, the land is in occupation of the private respondents for the last 47 years.

9. Keeping in view the totality of the circumstances, once the appellants did not agitate the issue with regard to getting their land vacated for a period of more than two decades and even thereafter, more than a decade has elapsed, directing the respondents to vacate the land at this stage will be too harsh. However, the State is directed that in case, any surplus land is still available,



equivalent to the land given to the respondents, the same should be offered to the appellants so that they do not suffer any prejudice. In case, the respondents are also willing to shift to such offered land, the needful be done. Let the respondent-State find suitable land equivalent to the land given to the respondents to compensate the appellants and such decision be taken within a period of three months from the date of receipt of certified copy of this order.

- 10. The present appeal stands dismissed.
- 11. All pending miscellaneous application(s), if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

14.05.2026
sapna adhikari

Whether speaking/reasoned : Yes
Whether reportable : No