



LPA-530-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-530-2017 (O&M)

Date of Decision :11.05.2026

The Rai Dharana Schedules Caste Land Owning
Co-operative Society Ltd

...Appellant

Versus

State of Punjab and others

...Respondents

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

Present: Mr. A.K. Walia, Advocate for the appellant.

Mr. Yatin Bunker, AAG, Punjab.

Mr. Manish Kumar Singla, Advocate with
Mr. Parmender Singla, Advocate for respondents No.4 to 6.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 08.02.2017 passed by the learned Single Judge of this Court in CWP-11221-2014.

2. Learned counsel for the appellant contends that the similar issue with regard to further sale of Nazool land which had been allotted by the Government to the Scheduled Castes Cooperative Land Owning Society Limited, (hereinafter referred to as 'Society'), has already come up for consideration before this Court in ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another, decided on 07.05.2026***, wherein a finding has already been recorded by this Court that keeping in view the Nazool land (Transfer) Rules, 1956 (hereinafter referred to as



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‘1956 Rules’) as amended in the year 1970 and thereafter, in the year 1991, there existed a restriction on further transfer of Nazool land and the said land can only be transferred by way of inheritance and the order passed by the learned Single Judge therein has already been set aside by this Court and hence, the present appeal be also allowed in terms of the said order.

3. Learned State counsel supports the said assertion of the learned counsel for the appellant.

4. Learned counsel for the respondents No.4 to 6 i.e. who are the beneficiaries of such transfer, submits that there is no record that the land which was transferred was the Nazool land allotted to the Society and the civil suit filed by the society taking possession of the land was dismissed as the possession could not be taken back without following due process of law.

5. Learned counsel for the respondents No.4 to 6 further submits that there is no resolution by the society to file the present appeal.

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

7. It may be noticed that while deciding ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another on 07.05.2026***, the detailed factual averments have been made including the averment that the issue with regard to the transfer of the Nazool land which had been initially allotted in favour of the Society which was being further sold to the persons belonging to the general category, had come up for consideration before this Court in a Public Interest Litigation being **CWP(PIL)-5085-2011** wherein, a direction was given by this Court to the



State to do the rectifying process of such illegal sales, which were contrary to the 1956 Rules as amended time to time including the years 1970/1991. It was under these circumstances that the process of retrieving the land was undertaken so as to file the status report before the Court.

8. In the present case also, the land which was allotted to the society by the State, has been given to the private respondents for their use. The said further transfer of the land is not permissible keeping in view the detailed reasons which have been given by this Court while passing order in ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another, decided on 07.05.2026*** which reasons be recorded as a part of the judgment

9. Learned counsel for the respondents No.4 to 6 has not been able to rebut that the position in the present case is similar to that in ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another, decided on 07.05.2026***, but has raised a particular argument that with regard to the civil suit filed by the appellant, the same was for not dispossessing the society from the land in question.

10. It may be noticed that even if the said suit has been dismissed or the possession is with the respondents, keeping in view the direction given by the Coordinate Bench in **CWP(PIL)-5085-2011**, any illegal sale/transfer of the Nazool land contrary to the amendments in the years 1970/1991 by the society/individual cannot be sustained hence, the transfer registry of such land got done which has already been cancelled by the State, the land so alienated by any member of the society or the society itself in favour of the general category people, cannot be sustained hence, the land



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which was transferred/sold/pledged in favour of the private respondents being contrary to the 1956 Rules as amended time to time in the years 1970/1991, cannot be sustained in the eyes of law.

11. Learned counsel for respondents No.4 to 6 submits that it is not the entire land sold/alienated/transferred is being retrieved whereas, the same is being taken back from the respondents herein.

12. It may be noticed that qua the other land which is not being retrieved despite direction in CWP-5085-2011, the State as well as the Society is answerable but whatever land can be retrieved as per the order passed by the Coordinate Bench in **CWP(PIL)-5085-2011**, the same is permissible.

13. Keeping in view the totality of the facts and circumstances, the present appeal is also allowed keeping in view the detailed reasons given by this Court in ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another, decided on 07.05.2026*** which be also treated as part of the reasons for allowing the present appeal as well. Hence, impugned order dated 08.02.2017 passed by the learned Single Judge is set aside being perverse to the facts and law and the present appeal is allowed in terms of the order passed by this Court in ***LPA No.2270-2017 titled as State of Punjab and others vs. Sanjeev Kumar and another, decided on 07.05.2026***.

14. Civil miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 11, 2026

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Whether speaking/reasoned : Yes
Whether reportable : No