



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

RSA No. 265 of 2025 (O&M)

RESERVED ON:-

27.04.2026

DATE OF PRONOUNCEMENT:-29.04.2026

UPLOADED ON:-

:-29.04.2026

BOHAR SINGH AND OTHERS

.....APPELLANTS

Vs.

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr.Sanjeev Kumar Arora, Advocate,
for the appellants.

Mr. Ravinder Singh Rawal, A.A.G., Punjab.

AMARINDER SINGH GREWAL, J.

1. The present Regular Second Appeal has been filed by the appellants-plaintiffs assailing the judgment and decree dated 24.09.2024 passed by the learned District Judge, Ferozepur, whereby the appeal preferred by the appellants-plaintiffs was dismissed, thereby affirming the judgment and decree dated 05.12.2023 passed by the learned Civil Judge (Junior Division), Ferozepur, dismissing the suit filed by the appellants-plaintiffs.

1.1 For the sake of convenience, the parties shall be referred to in terms of their status before the learned trial Court.

2. Brief facts of the case are that the appellants-plaintiffs Bohar Singh, Jodh Singh and Swaran Singh alias Sarwan Singh filed a civil suit



for declaration before the learned Civil Judge (Junior Division), Ferozepur, against the respondents-defendants, in which it was stated that the plaintiffs, being in possession of the land measuring 40 '*Kanals*' as detailed in the head-note of the plaint, were allotted the same on the basis of possession. The land in dispute was owned by the Central Government and as per the policy of the Government, the land in dispute was allotted to the plaintiffs, who paid all the installments of the purchase amount and thereafter, the conveyance deed, as per law, was issued to the plaintiffs and the conveyance deed was executed on 14.07.2003. Thereafter, mutation was also sanctioned in the names of the plaintiffs and the plaintiffs are owner in possession of the land in dispute.

2.1 It was further submitted that about a week ago, the plaintiffs came to know from the '*Halqa Patwari*' that the ownership of the plaintiffs over the land in dispute has been changed from their names to the name of the Central Government as per Mutation No. 852 of Village '*Dhira Ghara*', as per the order dated 12.01.2026 passed by the Assistant Collector II Grade, Ferozepur. From the perusal of the said Mutation No. 852, it transpired that the ownership of the plaintiffs has been changed illegally from their names to the name of the Central Government on the basis of letter No. 17/459-81 dated 15.10.2015 issued by the Revenue Rehabilitation Department of the State Government as well as the order of '*Tehsildar*' Revenue-cum-Sales bearing letter No. 246/253 dated 28.12.2015. The said mutation No. 852, whereby the ownership of the plaintiffs has been changed in the name of the Central Government on the basis of the above-said two letters, is illegal, null and void, without



jurisdiction and against the principles of natural justice.

2.2 The plaintiffs have requested the defendants to correct the mutation of the said land in the name of the plaintiffs as per law, but they refused to do so. Thus, on the basis of these facts, the plaintiffs have filed the said suit before the learned Civil Judge (Junior Division), Ferozepur.

2.3 Notice of the said suit was given to the respondents-defendants, but they failed to appear despite being served; as such, they were proceeded against *ex parte*.

2.4 In support of the *ex parte* evidence, counsel for the plaintiffs before the learned trial Court got examined plaintiff No. 1 Bohar Singh as PW-1, Gurdial Singh as PW-2, Rajesh Kumar, Clerk, 'Sadar Kanungo' Branch, DC Office, Ferozepur, as PW-3 and Jarnail Singh, Sales Clerk, office of 'Tehsildar', Ferozepur, as PW-4 and thereafter closed the plaintiffs' evidence.

2.5 The learned trial Court, after appreciating the evidence, dismissed the suit of the plaintiffs vide judgment and decree dated 05.12.2023. The plaintiffs challenged the said judgment and decree dated 05.12.2023 before the learned District Judge, Ferozepur, and the learned District Judge, after hearing the respective counsels for the parties, dismissed the appeal vide judgment and decree dated 24.09.2024.

2.6 Dissatisfied with the aforesaid judgments and decrees passed by the learned trial Court as well as by the learned First Appellate Court, the present Regular Second Appeal has been filed before this Court.



3. At the very outset, learned counsel for the appellants has vehemently contended that the judgments and decrees passed by the learned trial Court as well as by the learned First Appellate Court are unsustainable in the eyes of law, as the learned Courts below failed to appreciate the cogent and relevant evidence produced before them by the appellants and failed to appreciate the fact that the land in dispute was allotted to them under the provisions of the Punjab Package Deal Properties (Disposal) Act, 1976 and the Rules made thereunder by the '*Tehsildar*' Revenue-cum-Sales, on the basis of possession since '*Kharif*' 1994. The appellants have proved on record Ex. P-10, the confirmation report of '*Tehsildar*' Revenue-cum-Sales, Ferozepur, in which it has been mentioned that the appellants have paid all the installments and permission was granted by the '*Tehsildar*', Ferozepur, for issuance of conveyance deed on behalf of the Government, which was proved on record as Ex. P-7.

3.1 It was further contended that it is a settled principle of civil law that as soon as a deed is registered, it is notice to the public at large. The mutation on the basis of the conveyance deed was also sanctioned in favour of the appellants and it finds mention in the '*Jamabandi*' Ex. P-2. Thereafter, in the ownership column, the cultivation column was changed from the names of the appellants to the name of the Central Government vide '*Mutation*' No. 852 (Ex. P-8) on record.

3.2 It is further contended that the said '*Mutation*' No. 852 (Ex. P-8) was illegally changed from the names of the appellants to the name of the Central Government.



3.3 It was further contended that when the conveyance deed was executed on 14.07.2003, the ownership should not have been **changed** thereafter in the name of the Central Government.

3.4 It is further contended that the learned Court below had wrongly noticed in its judgment and decree that the original conveyance deed was never produced before the Court, whereas in fact the same was sought to be proved by PW-4 Jarnail Singh, Sales Clerk, office of '*Tehsildar*', Ferozepur, who produced the conveyance deed Ex. P-7 on record. Thus, it was contended that since the conveyance deed was duly proved and the land was allotted in the name of the appellants, the judgments and decrees passed by the learned trial Court as well as by the learned First Appellate Court should be set aside and the suit of the plaintiffs be decreed.

4. To the contrary, learned counsel for the State, on behalf of the respondents, has contended that the learned Courts below, after appreciating the evidence led by the parties, had rightly dismissed the suit as well as the appeal.

4.1 It is further contended that the appellants have failed to prove their case by leading cogent and admissible evidence and no interference is warranted in the concurrent findings of fact recorded by the learned Courts below.

4.2 It is also submitted that no substantial question of law arises for consideration in the present Regular Second Appeal.

5. I have heard learned counsel for the parties and have gone through the paper-book carefully.



6. Though the appellants have rested their case before the learned Courts below on the ground that they are owner in possession of the suit property on the basis of conveyance deed dated 14.07.2003, this Court finds that the learned trial Court had rightly held in its judgment and decree dated 05.12.2023 that it was the bounden duty of the appellants to have proved the original conveyance deed, but they failed to produce the same. Though much hue and cry has been raised by counsel for the appellants that the conveyance deed dated 14.07.2003 was proved by PW-4 Jarnail Singh, Sales Clerk, office of '*Tehsildar*', Ferozepur, as Ex. P-7, this Court is of the considered opinion that the testimony of PW-4 Jarnail Singh was not of any consequence because he merely produced the conveyance deed dated 14.07.2003 but did not prove the same in accordance with law. In the said conveyance deed, there were two witnesses, namely Iqbal Singh, '*Numberdar*', and Ravail Singh, but they were never examined by the appellants before the learned trial Court. Moreover, only a notarized copy of the conveyance deed was produced before the learned trial Court.

7. Further, it is the case of the appellants that vide letters dated 15.10.2015 and 28.12.2015, the ownership of the land in dispute has been changed in the name of the Central Government; in that eventuality, it was the bounden duty of the appellants to have impleaded the Central Government as a party, but the Central Government was never made a party by the appellants for the best reasons known to them.

8. Thus, the learned District Judge, Ferozepur, had also rightly concluded that in the absence of the appellants impleading the Central Government as a party, the suit of the appellants was certainly bad for non-



joinder of necessary parties and had rightly dismissed the appeal.

9. Thus, this Court finds no merit in the prayer for setting aside the judgments and decrees passed by the learned Courts below.

10. No substantial question of law arises for consideration in the present appeal.

11. Finding no illegality in the judgments and decrees passed by the learned Courts below, the present Regular Second Appeal, being devoid of merit, is accordingly dismissed.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

APRIL 29, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes/No
Whether Reportable	Yes/No