



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

101-3

Decided on : 28.08.2025

CM-748-LPA-2024

LPA-322-2024 (O&M)

MAHENDER SINGH AND OTHERS

. . Appellants

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

LPA-312-2024 (O&M)

VIJAY SINGH

. . Appellant

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

CM-5462-2025 in/and

LPA-323-2024 (O&M)

DHANPAT ALIAS DHANPAT RAI AND OTHERS

. . Appellants

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

HON'BLE MR. JUSTICE VIKAS SURI

PRESENT: Mr. Vikram Singh, Advocate and

Ms. Vanshika Singh, Advocate

Ms. Devika Kamboj, Advocate

for the appellant.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-748-LPA-2024 in LPA-322-2024

Allowed as prayed for.

CM-5462-2025 in LPA No. 323-2024.

**The prayer in the present application is for placing on record the
sale deed as Annexure A-1.**



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Keeping in view the averments mentioned in the application, the same is allowed. Copy of sale deed as Annexure A-1 is taken on record subject to all just exceptions.

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1. By this common order, a set of appeals, the details of which have been given in the heading, are being disposed of as all the three appeals involve the same question of law on similar facts. For the sake of convenience, facts are drawn from CWP-323-2024.

2. In the present appeal, challenge is to the judgment dated 17.10.2023 passed by the learned Single Judge in CWP No. 7809 of 1988, by which, the claim raised by the appellants that the order dated 29.04.1988 (Annexure P-4) passed by Joint Secretary (Reh.)-cum-Settlement Commissioner Haryana is incorrect, has been rejected by the learned Single Judge.

3. Learned counsel for the appellants argues that in year 1985, the land measuring 91 kanal, 14 marla was transferred in favour of late sh. Sohan Lal i.e. the predecessor-in-interest of the appellants herein, which transfer has been reviewed by the Joint Secretary (Reh.)-cum-Settlement Commissioner, Haryana while passing the impugned order dated 29.04.1988 (Annexure P-4) on the ground that on the date when land measuring 91 kanal 14 marla was transferred in the name of late sh. Sohan Lal in the year 1985, he was already the owner of land measuring 38 kanal 02 marla, hence, he could not have been allotted the land measuring 91 kanal 14 marla in his favour under the policy dated 25.08.1981 issued by the Government.

4. Learned counsel for the appellant further submits that affidavit



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dated 09.01.1973 which is being treated as false, was filed by late Sh. Sohan Lal stating that at the said that time, he did not owned any land except 10-1/2 acres of land allotted by provincial government and he only became the owner of land measuring 38 kanal 2 marla on the basis of suit for declaration passed by the competent court of Law in the year 1979 and therefore, the affidavit dated 09.01.1973 was given by late sh. Sohan Lal prior in time, hence, while considering the application filed by late Sh. Sohal Lal in the year 1981, the land has already been allotted in his favour in 1985, the same could not have been withdrawn on the basis of the fact that an affidavit filed has already been filed by late Sh. Sohan Lal in the year 1973, which fact has been ignored by the authorities concerned while passing the order dated 29.04.1988 (Annexure P-4) as well as order dated 17.10.2023 passed by the learned Single Judge.

5. We have heard learned counsel for the appellants and have gone through the case file with his able assistance.

6. It may be noticed that after the filing of the affidavit by late Sh. Sohan Lal in the year 1973, in the year 1975, certain land was allotted in favour of late Sh. Sohan Lal but, the said allotment was set-aside by the Financial Commissioner in year 1981, which order was challenged by late Sh. Sohan Lal by filing of CWP No. 5186 of 1981 and the cancellation of the allotment of the land by the Financial Commissioner was upheld by this Court and the said writ petition was dismissed by this Court vide order dated 12.03.1982. The relevant portion of the said order dated 12.03.1982 passed by this Court is as under:-

“After the passing the order (Annexure P3) dated 11.9.1981, all



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the petitioners filed applications before the Tehsildar, Sales, Rohtak on 16.9.81. A perusal of those applications which are Annexures R1 to R4 to the petition shows that the petitioners had accepted the correctness of the order Annexure P.3. In these applications, they made averments for the giving up of their claim of possession prior to 1960 and that they wanted their case to be considered again. As the petitioners had moved applications to the concerned authorities after the impugned orders, we feel that they are not competent to challenge the order Annexure P.3. They should pursue those application, which shall be decided in accordance with law and the instructions governing the case of transfer of such lands. On examining the merits of the case, we do not find anything worth consideration. Dismissed, with no order as to costs.

March 12, 1982

*Sd/- Kulwant Singh Tiwana.
Sd/- B. S. Yadav,
Judge.”*

7. The said order further was challenged by late Sh. Sohal Lal before the Hon'ble Supreme Court of India by way of filing of Special Leave petition, which petition was also dismissed by the Hon'ble Supreme Court of India.

8. A bare perusal of the order dated 12.03.1982 passed by this Court shows that the liberty was given to late Sh. Sohan Lal to pursue his application filed for allotment of land in the year 1981. In pursuance to the said application, the allotment of certain land was made in favour of late Sh. Sohan Lal in the year 1985 by taking into consideration his earlier affidavit



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was given in the year 1973 to the effect that, he did not own any land. Nothing evident has come on record to show that the fact with regard to the allotment of land in favour of late Sh. Sohan Lal in the year 1979 through a civil suit was mentioned by late Sh. Sohan Lal while making the application in the year 1981 so as to prove his entitlement for the allotment of land.

9. It is a conceded position that as per the policy/instructions of the Government dated 25.08.1981, in case, the claimant is already a land owner, he cannot allotted land, whereas, in the year 1985, late Sh. Sohan Lal was already owner of 38kanal 2 marla of land allotted to him in 1979. A complaint was made that the allotment of land in favour of Late Sh. Sohan Lal was incorrect as he was already the owner of land measuring 38 kanal 02 marlas, which is equivalent to 4-12 standard acres and keeping in view the totality of circumstances that the land was allotted in the favour of Late Sh. Sohan Lal in the year 1985 on the basis of his earlier affidavit filed in the year 1973 as after the filing of the said affidavit in 1973, late Sh. Sohan Lal became the owner of land measuring 38 kanals 02 marlas in the year 1979, which fact was withheld from the authorities concerned while getting allotment of land in the year 1985 in pursuance to his application filed in the year 1981. Ultimately, the allotment of land measuring 91 kanal 14 marla in favour of the predecessor-in-interest of the appellants in 1985 was reviewed and the said allotment was cancelled vide order dated 29.04.1988 (Annexure P-4). The said action cannot be treated as arbitrary and illegal in any manner.

10. It is a conceded position that in view of the order passed by this Court in the year 1981, application filed by late Sh. Sohan Lal in the year 1981 for allotment of certain land was to be considered. The factual position



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with regard to the land owned by Late Sh. Sohan Lal was to be seen from the date of the application which was filed by late Sh. Sohan Lal in the year 1981 and it is also a conceded position before this Court that prior to the filing of the said application in the year 1981, late Sh. Sohan Lal became the owner of land measuring 38 kanal 02 marla which fact was not brought to the notice of the authorities concerned when the land was allotted to him in the year 1985 which was subsequently withdrawn by the impugned order dated 29.04.1988. That being so, the assertion of the appellant that the affidavit of the year 1973, should have been taken into account for deciding qua the application filed in the year 1981, cannot be accepted. Once, only the application filed by late Sh. Sohan Lal in the year 1981, which was to be considered and prior to the said application, late Sh. Sohan Lal had already become the owner of land measuring 38 kanal 02 marla, the impugned orders passed by the authorities concerned as well as the learned Single Judge, cannot be treated as perverse to the facts or evidence available on record.

11 Further, on being asked as to whether Sh. Sohan Lal became the owner of land measuring 38 kanal 02 marla on the basis of decree of suit filed by him in the year 1979 and when was the suit filed by late Sh. Sohan Lal, through which he became the owner of the land, and what was the basis to claim the land, so as to ensure whether the affidavit filed in 1973 was also correct or not, learned counsel for the appellant submits that he has no instructions about the said civil suit.

12. Once, late sh. Sohan Lal became the owner of certain land in the year 1979 through a decree in the civil suit decided by the competent Court



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of law but nothing evident has come on record as to how, the said claim was raised and when the said suit was filed, it could also be a probability that even when the land was allotted to late Sh. Sohan Lal in the year 1975 which was later on withdrawn, which order has been upheld upto the Hon'ble Supreme Court of India, the claim of Sh. Sohan Lal qua ownership of land measuring 38 kanal 2 marlas was pending before the competent Court of law, hence, it is clear that the appellants are not truthful and they have not disclosed all the facts before the authorities concerned to claim the allotment of land either in the year 1973 or even in 1981, which fact has rightly been appreciated by the authorities concerned as well as by the Competent Court of law while passing the impugned order.

14. Merely that the authorities concerned has said that a wrong affidavit has been filed by late Sh. Sohan Lal, will not give right to appellant to get the order passed by authorities set-aside especially when, even on the facts brought on record the factual position which existed on the date of application made in the year 1981, in the present case is that late Sh. Sohan Lal was having ownership of land measuring 38 kanal 02 marla and according to the instructions issued by the State when the allotment was made in the year 1985, which allotment of land has been withdrawn on the ground that late Sh. Sohan Lal did not fulfil the conditions of allotment of any land, is not perverse.

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

16. Accordingly, the present appeals are dismissed.



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17. Pending civil miscellaneous application, if any, stands disposed of.
18. A photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

28.08.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No