

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 5389 OF 2010

STATE OF HARYANA

APPELLANT(S)

VERSUS

RAJBIR & ORS.

RESPONDENT(S)

O R D E R

1. A civil suit was filed by the respondents for declaration that the agricultural land measuring 38 Kanals 4 Marlas belongs to them and the entry of ownership of the said land in the name of the Government is illegal. The suit was dismissed on the ground that it was not maintainable and barred by limitation.

2. The First Appellate Court set aside the judgment of the Trial Court on the ground that the surplus land was not utilized. Mere allotment under Rules 20-A to 20-D of the Punjab Security of Land Tenures Rules, 1956 does not amount to utilization according to

the First Appellate Court.

3. The judgment of the First Appellate Court was upheld by the High Court.

4. We have considered the material on record and the submissions made by learned counsel for both the parties. Admittedly, the possession of the land in dispute is still with the respondents. In view of the provisions contained in the Punjab Security of Land Tenures Act and Rules relating to utilization and the right of the original land owner in case of non-utilization of the land, we see no reason to interfere with the impugned judgment of the High Court.

5. The appeal is accordingly, dismissed.

.....J.  
[ L. NAGESWARA RAO ]

.....J.  
[ MOHAN N. SHANTANAGOUDAR ]

NEW DELHI,  
SEPTEMBER 12, 2018.

ITEM NO.102

In COURT NO.6

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5389/2010

STATE OF HARYANA

Appellant(s)

VERSUS

RAJBIR &amp; ORS.

Respondent(s)

Date : 12-09-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Ms. Alka Agrawal, AAG  
Ms. Bhawna Singh, Adv.  
Ms. Anamika Agrawal, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Mr. Rajeev Kumar Singh, AOR

For Respondent(s) Mr. R.S. Dhull, Adv.  
Mr. Sanjay Jha, Adv.  
Mrs. Santosh Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.[ Indu Kumari Pokhriyal ]  
Asstt. Registrar

[ Signed order is placed on the file ]