

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 8265 OF 2017

GIAN CHAND & ORS.

...APPELLANT(S)

VERSUS

PANCHAYATI AKHARA & ORS.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 8266 OF 2017

CIVIL APPEAL NO. 8267 OF 2017

ORDER

1. Civil Appeal No. 8265 of 2017 is filed by the defendant(s)/Gian Chand and others/legal representatives of the defendants in Civil Suit No.681 of 1968 (hereinafter, “appellants-defendants”), while Civil Appeal No. 8266 of 2017 is filed by the plaintiff in the said suit (hereinafter, “respondent-plaintiffs”). Civil Appeal No. 8267 of 2017 is filed by the legal representatives of defendant no.4 in Civil Suit No.681 of 1968.

2. The dispute has aged through several rounds of litigation and may be set out briefly.

2.1 On 15.03.1961, the Collector (Agrarian) declared 145 standard acres of land belonging to the Respondent-Akhara as surplus land under the Punjab Security of Land Tenures Act, 1953 ("the Act"). Aggrieved thereby, the Respondent-Akhara filed Review Application No. 447/RA (R). Meanwhile, on 30.04.1963, the Assistant Collector 1st Grade allowed the purchase application filed by the Appellants-Defendants in respect of the suit land and it is the Appellants-Defendants' case that they eventually paid the sale consideration amount and came to possess the suit land. The Review Application preferred by the Respondent-Plaintiff was dismissed by the Collector (Agrarian) vide order dated 06.06.1963. The Respondent-Plaintiff thus preferred Judicial Appeal No. 827 of 1962-63 before the Commissioner, Ambala Division against the dismissal of the Review Application. However, the same came to be dismissed vide order dated 24.06.1964. Thereafter, the Respondent-Plaintiff filed Revision Petition No. 1063 of 1963-64 before the Financial Commissioner. However, the same was also dismissed on 19.09.1964.

2.2 The adverse findings under the statutory authorities continuing to mount against it, the Respondent-Plaintiff filed Civil Suit No. 681 of 1968 seeking a declaratory relief to the effect that the order of the Collector (Agrarian) dated 15.03.1961 and all subsequent orders are

illegal and void and will not affect the Respondent-Plaintiff's rights with regard to the land. The Trial Court on 18.08.1977 decreed the suit in favour of the Respondent--Plaintiff holding that the order of the Collector (Agrarian) dated 15.03.1961 and all the subsequent orders passed were indeed illegal, void and without jurisdiction and therefore, cannot affect the rights of the Respondent-Plaintiff with regard to the land. Further, the Respondent-Plaintiff was entitled to recover possession of the land in dispute from the Appellants-Defendants.

2.3 Aggrieved thereby, the Appellants-Defendants filed an appeal against the order dated 18.08.1977 of the Trial Court before the Court of Additional District Judge but the same was dismissed vide order dated 08.02.1980. The Appellants-Defendants, then, filed Regular Second Appeal being RSA No. 639 of 1980 before the High Court. By order dated 29.04.1998, the High Court allowed the appeal and set aside the order dated 18.08.1977 of the Trial Court. Aggrieved, the Respondent-Plaintiff approached this Court. This Court in Civil Appeal No. 4655 of 1998 by order dated 11.03.2004, set aside the order dated 29.04.1998 passed by the High Court in RSA No. 639 of 1980 and remanded the matter to the High Court for fresh consideration. The High Court, by its judgment dated 18.02.2010, partly allowed the appeal holding that the order of the Collector (Agrarian) dated

15.03.1961 was void and liable to be quashed and set aside. However, the High Court also held that no decree for possession could have been granted by the courts below as the Appellants-Defendants were tenants of the Respondent-Plaintiff from a point of time even prior to the declaration of their land as surplus land. That being so, the Respondent-Plaintiff may seek appropriate remedy under law for eviction of the Appellants-Defendants separately. Being aggrieved, the defendants in the suit as well as the plaintiff have preferred their respective appeals.

3. We have heard learned senior counsel appearing for the appellant(s)/defendant(s) as well as learned senior counsel for the respondent/plaintiff in Civil Appeal No. 8265 of 2017 at length and perused the material on record including the orders passed under the Statute as well as by the Trial Court, First Appellate Court as well as the Second Appellate Court.

4. We find that in Civil Suit No.681 of 1968, a categorical finding was given to the effect that order dated 15.03.1961 was passed by the Collector without issuing notice to the respondent/plaintiff. The correctness or otherwise of the said fact was not considered in the statutory appeals. However, in the suit the respondent/plaintiff had sought the following reliefs which are extracted as under :-

“Hence it is prayed that a declaratory decree to the effect that the order of the Collector (Agrarian) Karnal dated 15.3.1961 and all the subsequent orders are illegal, void and without jurisdiction and will not affect the right of the Plaintiff with regard to the land in dispute with a decree for possession of land comprising of Khewat No. 2, Khatauni No. 19, Rect. No. 25 Khasra No. 21/2 (1-11), Rect. No. 26, Khasra Nos. 25/2(3-2), Rect. No. 32, Khasra Nos. 5(8-0), 6(8-0), 15(8-0), Rect. No. 33, Khasra Nos. 1(8-0), 2(2-6), 3/1(6-9), 10(8-0), total measuring 58 kanals 8 marlas, land comprising of Khewat No.3 Khatauni No. 20, Rect. No. 33 Khasra Nos.5/2 (3-9),6(8-0), Rect. No.40 Khasra Nos. 8(8-0), 9(illegible), 12(4-14), 13(7-8), 1(6-9), 2(8-0), Rect. No. 41 Khasra No.5(0-5), measuring 55 kanals 18 marlas;

Land comprising of Khewat No. 6 Khatauni No. 23, Rect. No. 33 Khasra Nos. 8/1(5-11), 9/1(3-17), 19(8-0), 22(8-0), Rect. No. 39 Khasra Nos. 2(8-0), measuring 33 kanals 8 marlas;

Land measuring of Khewat No. 7, Khatauni No. 24, Rect. No.34 Khasra Nos. 1/1(1-17), 10/1(3-7), Rect. No. 9 Khasra Nos. 12(8-0), 13/1(5-0), 2(8-0), 9(8-0), 1(8-0), 10(8-0), Rect. No.10 Khasra Nos, 5(8-0), 15(8-0), Rect. No. 4 Khasra Nos. 11(7-16), 20(8-0), 21(8-0), measuring 128 kanals 2 marlas;

Land comprising of Khewat No. 6 Khatauni No. 21, Rect. No. 10 Khasra No. 21(8-0), Rect. No. 11, Khasra Nos. 17/2(3-16), 18/2(1-1), 16/2(1-17), 22/2 (5-6), 23(7-19), 24(6-11), 25(7-19), Rect. No. 16 Khasra Nos. 1(7-8), 2(8-0), 3(8-0), 4(8-0), 5(8-0), 6/1(2-16), 8(8-0), 9(8-0), 10(7-8), Rect. No. 17 Khasra Nos. 1(8-0), 2(8-0), 9(8-0) 10() Rect. No. 33 Khasra Nos. 8/2(2-9); 13(8-0), 18(8-0), 23(8-0), measuring 167 kanals 2 marlas;

Land comprising of Khewat No. 21, Khatauni No. 49, Rect. No. 33 Khasra Nos. 15(1017), 16(8-0), 17(8-0), 24(8-0), 25(8-0), Rect. No. 34, Khasra No. 10/3 (3-10), 11(7-4), Rect. No. 39 Khasra No. 5(8-0), 4(8-0), measuring 60 kanals 11 marlas;

Land comprising of Khewat No. 21, 22 Khatauni Nos, 51, 60, Rect. No.18 Khasra Nos. 2(2-0), 19(8-0), 20(8-0), 22(8-0), 23(8-0), 18/2 (8-0), 3 min (8-0), 8 min (4-0), measuring 54 kanals;

Land comprising of Khewat No. 1 Khatauni No. 6, Khewat No. 21 Khatauni No. 40. Rect. No. 10, Khasra No.2(1-17), Rect. No. 11 Khasra Nos. 8(8-0), 6(2-13), Rect. No.15, Khasra No. 1(6-9), measuring 18 kanals 19 marlas;

(grand total of the land in dispute is 576 kanals 8 marlas), situated in village Bhawani Khera Tehsil Thanesar District Karnal which have been illegally sold to the Defendant Nos. 4 to 11 along with costs of the suit and the Plaintiff be awarded any further relief to which he is found to be entitled to in the interest of justice.”

5. The Trial Court found in favour of the respondent/plaintiff and accordingly decreed the suit. The said findings have been affirmed by the First Appellate Court as well as in the Second Appeal by the High Court.

6. Having heard learned senior counsel for the respective parties, we do not find any reason to interfere with the said findings.

However, learned senior counsel appearing for the respondent/plaintiff contended that plaintiff's appeal may be allowed inasmuch as on a limited aspect, namely, the direction requiring the respondent/plaintiff to once again approach the appropriate Court to seek actual possession may be substituted by an appropriate relief. It was submitted that the Trial Court as well as the First Appellate Court and the High Court ought to have directed the appellant(s)/defendant(s) to vacate and hand over vacant possession of the subject land.

7. We do not find any reason to interfere with the said direction. Liberty is reserved to the respondent/plaintiff to file an independent suit/other proceeding to seek possession, the reason being that the appellants/defendants were and are stated to be in actual possession as tenant/alienees of tenant/successors.

The appeals stand dismissed with no order as to costs.

Pending application(s) shall stand disposed of.

.....**J.**
[B.V. NAGARATHNA]

.....**J**
[ALOK ARADHE]

NEW DELHI
JANUARY 21, 2026.

ITEM NO.108

COURT NO.4

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). 8265/2017

GIAN CHAND & ORS.

Appellant(s)

VERSUS

PANCHAYATI AKHARA & ORS.

Respondent(s)

WITH

C.A. No. 8266/2017 (IV)

C.A. No. 8267/2017 (IV)

Date : 21-01-2026 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE ALOK ARADHE

For Parties

: Mr. Krishna Kumar, Adv.
Ms. Nandani Gupta, Adv.
Dr. Mrs. Vipin Gupta, AOR

Ms. Rekha Palli, Sr. Adv.
Mr. Deepak Goel, AOR
Ms. Alka Goyal, Adv.

Mr. Manoj Swarup, Sr. Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Neelmani Pant, Adv.
Ms. Apoorva Singh, Adv.
Mr. Yash Singhal, Adv.
Mr. Hamad Tariq, Adv.

Mrs. Naresh Bakshi, AOR

Mr. Manoj Swarup, Sr. Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Neelmani Pant, Adv.
Ms. Apoorva Singh, Adv.
Mr. Yash Singhal, Adv.

Ms. Rekha Palli, Sr. Adv.
Ms. Niyati Razdan, Adv.
Ms. Bhavya Sharma, Adv.
Mr. Vaidushya Parth, Adv.

Mr. Anish Venkatesh Bindlish, Adv.
Mr. Deepak Goel, AOR

Mr. Samar Vijay Singh, AOR
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.
Mr. Pushkar Sharma, Adv.
Mr. Keshav Mittal, Adv.

Mr. Gagandeep Singh Wasu, Adv.
Mr. Dinesh Verma, Adv.
Mr. Harsh Gupta, Adv.
Ms. Goldy Goyal, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals stand dismissed in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(Signed order is placed on the file)