

(1982) 09 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 304 of 1979

Col. Sir Harinder Singh

APPELLANT

Vs

Bihari Lal and others

RESPONDENT

Date of Decision : 16-09-1982

Acts Referred:

Punjab Security of Land Tenures Act, 1953 — Section 18

Citation : (1982) 09 P&H CK 0004

Hon'ble Judges : S.S. Sandhawalia, J; J.V. Gupta, J

Bench : Division Bench

Advocate : Vinod Kataria and Mr. B.R. Mahajan, for the Appellant; M.L. Sarin and Mr. B.S. Gupta for State, for the Respondent

Final Decision : Dismissed

Judgement

J.V. Gupta, J.—This Letters Patent Appeal is directed against the judgment of the learned Single Judge whereby the writ petition filed on behalf of the appellant was dismissed.

2. The facts are not in dispute and therefore it will be unnecessary to reiterate the same which have been given in detail in the judgment under appeal. Suffice it to say that this litigation has arisen out of a purchase application filed on behalf of tenant respondent on 3rd February, 1961 u/s 18 of the Punjab Security of Land Tenures Act (hereinafter called the Act). The said application was allowed upto the Financial Commissioner and the order became final in the year 1965. However on the question of quantum of compensation only, the case was remanded to the Assistant Collector. On remand the learned Assistant Collector again re-opened the matter as to the right of the tenant to purchase the land in dispute u/s 18 of the Act. Ultimately, this part of the order of the Assistant Collector was held to be without jurisdiction upto the Financial Commissioner. Against the said order dated 22nd May, 1973 of the Financial Commissioner (Annexure "H" to the writ petition) the appellant filed the writ petition in this Court which has been dismissed by the learned Single Judge vide order dated 12th October, 1979.

under appeal.

3. The Learned Counsel for the appellant contended that the authorities below have not determined the price of compensation correctly, but from the judgment under appeal we find that no such question was ever raised before the learned Single Judge. Therefore, the appellant cannot be allowed to agitate this point for the first time in Letters Patent Appeal.

4. It is well settled by now that the rights of the tenant are to be seen at the time of filing of his application for purchase of the land u/s 18 of the Act and therefore, this finding of the learned Single Judge could not be assailed in this appeal.

5. Consequently, this appeal fails and is dismissed with costs.

S.S. Sandhawalia

6. I agree.