
(1992) 07 P&H CK 0073
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 982 of 1981

Hukam Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 21-07-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1993 P&H 235

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : Harbhagawan Singh and J.S. Yadav, for the Appellant; Sanjiv Manarai, Asstt. Advocate General, for the Respondent

Judgement

1. Petitioner, Hukum Singh, seeks quashing of various orders vide which land measuring 2 Standard Acres and 13% units was originally declared surplus by the Collector (Agrarian), Sonapat, on June 8, 1960. Case of the petitioner is that he did not come to know about this order earlier and when the authorities concerned informed him that they want to take possession of the land, which has been declared surplus, he filed an application before the Collector pointing out some irregularities. The matter came up before the Collector on February 7, 1978, on which date a recommendation was made by the Collector to the Commissioner so as to forward the case of the petitioner to the Financial Commissioner with a view to review the order dated June 8, 1960, passed by the Collector (Agrarian), Sonapat. The Deputy Commissioner-cum-Collector, Sonapat, also made a report on March 23, 1980 on which partial relief was recommended to be granted to the petitioner. The matter thereafter came before the Secretary (Revenue), who is also the Financial Commissioner. As per aforesaid order, which is annexed with record of this case as An-nexure P-7 it is made out that there is mention that further action will be taken in this case and other such like cases according to the rules. The petitioner was obviously not satisfied with the kind of order as noticed above and, therefore, filed the present petition in this Court. The main case that has been pleaded in the petition is that

the original order, vide which the land of the petitioner was declared surplus, could not be treated to be a proper and valid order as no statement under form 'F' was served upon the petitioner and that being so, it was open for the petitioner to have asked for review at any time before such statement was served upon him. It is further the case of the petitioner that all the reports that have been submitted by the authorities, constituted under the Act, have recommended even though partially that review of the order dated June 8, 1960 be permitted.

2. The matter has been contested by the State and it has been specifically averred in para 3 of the written statement that form "F" was duly served upon the petitioner on June 14, 1961. It is also pleaded that it was not open to the petitioner-landowner to ask for review after nearly two decades of passing of the order declaring the land as surplus, particularly in view of the fact that the surplus land had since been allotted to the eligible tenants on October 7, 1976 under the Haryana Utilisation of Surplus and Other Area Scheme and possession was transferred in the year 1976-77.

3. After hearing the learned counsel for the parties, I do not find any substance in this petition. It has been categorically mentioned in the written statement that form "F" was served upon the petitioner. Not only that even the date when the said form was served upon the petitioner has been mentioned. Further, the Collector in his order (Annexure P-3) has clearly found as a fact that form "F" was sent to the petitioner. Further, it has also been pleaded in the written statement and which fact has not been denied that the land stood allotted to the eligible tenants way back in 1976-77 and even possession has been handed over to them. The eligible tenants have admittedly not been arrayed as a party to these proceedings either before the authorities, constituted under the Act, or before this Court. In view of the fact that form "F" was served upon the landowners, it was not open to him to ask for review after about 17 years from the date when his land was declared as surplus. Further, unless the eligible tenants were made as parties, no relief can be granted to the petitioner as the same would amount to cancellation of the allotment to the tenants without hearing them.

4. For the aforesaid reasons, this petition is dismissed, but there shall be no order as to costs.

5. Petition dismissed.