

(2012) 01 P&H CK 0315
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1666 of 2012

Jeeta Ram

APPELLANT

Vs

Financial Commissioner, Haryana and others

RESPONDENT

Date of Decision : 31-01-2012

Acts Referred:

Punjab Security of Land Tenures Act, 1953 — Section 14A(1)

Citation : (2012) 3 RCR(Civil) 317

Hon'ble Judges : Paramjeet Singh, J

Bench : Single Bench

Advocate : D.S. Bali, with Ms. Neha Mann, for the Appellant;

Final Decision : Dismissed

Judgement

Paramjeet Singh, J.—The instant writ petition has been filed by the petitioner for quashing of the order dated 04.04.2011 (Annexure P-6) passed by the Financial Commissioner whereby, the order dated 30.01.2007 (Annexure P-5) passed by the Commissioner and order dated 12.12.2001 (Annexure P-4) passed by the District Collector have been affirmed. The brief facts of the case are that Ram Kishan Dhawan respondent No. 5 filed an application u/s 14A(1) of the Punjab Security of Land Tenures Act 1953 (hereinafter referred to as "the Act of 1953") on the ground that he is owner of the land measuring 22 kanals 01 marla situated in the Village Churni Tehsil and District Karnal and the predecessors of the petitioner i.e. Rulia Ram were cultivating the said land on batai and they have not paid the arrears of rent from Kharif 1986 to Rabi 1996 without any justification. The Assistant Collector 1st Grade, after hearing the parties, came to the conclusion that there is no entry of 1/3rd batai, but entry is of possession as Gair Marusi and dismissed the application of respondent No. 5 vide order dated 27.07.2011 (Annexure P- 3). Respondent No. 5 through his attorney preferred an appeal before the District Collector. The District Collector allowed the appeal and recorded the findings that there is a relationship of landlord and tenant; rent has not been paid, therefore for non-payment of rent eviction of heirs of Rulia Ram

i.e. petitioners and others has been ordered. They preferred revision petition before the Commissioner that has been dismissed by the Commissioner vide order dated 31.01.2007 (Annexure P-5). Further revision filed before the Financial Commissioner, that too has been dismissed vide order dated 04.04.2011 (Annexure P-6). Hence, this writ petition.

2. I have heard the learned Senior counsel for the petitioner and perused the documents on record.

3. Learned Senior counsel for the petitioner raised an argument that there is no relationship of landlord and tenant between the parties. The petitioner or his predecessors had never agreed to pay the 1/3rd batai nor they had taken the land on batai tihai basis.

4. The contention of the learned Senior counsel for the petitioner is not sustainable on the face of it. In the civil suit filed by Rulia Ram (father of the petitioner) it had been admitted that Sh. Tala Ram, the father of Rulia Ram, was tenant of Sukh Dayal of 1/3rd batai. After the death of Sukh Dayal, no one turned up to claim batai nor they have deposited in the treasury. The civil Court finding has not been disputed by the learned senior counsel for the petitioner. There is admission with regard to 1/3rd batai. The entry in the revenue record i.e. Jamabandi for the 1986-87 Column No. 9, is also batai tihai. The petitioners are bound to pay the rent. For non-payment of rent, they are liable to be ejected. Since the petitioners are denying the relationship of landlord and tenant, they are not entitled to the relief even on the basis of equity. The concurrent findings of facts have been recorded by the revenue authorities that Rulia Ram (now his heirs) have not paid the rent. For non-payment of rent, eviction order against the petitioner and others i.e legal representatives of Rulia Ram has been passed. The impugned orders are legal and valid.

5. I am not inclined to interfere in the impugned orders passed by the revenue authorities under the Act, 1953.

6. No merit. Dismissed in limine.