
(1982) 08 P&H CK 0046

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 2460 of 1977

Mohinder Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 11-08-1982

Acts Referred:

Citation : (1982) PLJ 492 : (1984) RRR 648

Hon'ble Judges : I.S.Tiwana, J

Advocate : Mr. A. S. Rupal, Advocate., Advocates for appearing Parties

Judgement

I. S. Tiwana, J. (Oral)

1. The petitioner impugns the order of the Collector dated June 25, 1976 Annexure P. 4, whereby he refused to examine the question of declaration of surplus area in the hands of the petitioner in the light of the Punjab Land Reforms Act, 1972. The ground for this refusal as stated in this order is that earlier on September 10, 1968 the Collector had declared 48 Standard Acres and 1/4 Unit as surplus in the hands of the petitioner under the Punjab Security of Land Tenures Act, 1953. This letter order is Annexure P. 5 to the petition.

2. After hearing the learned counsel for the parties I find that the order Annexure P. 4, whereby the Collector had refused to reexamine the matter in the light of the provisions of the Punjab Land Reforms Act, 1972 is wholly unsustainable in view of the authoritative pronouncement of a Full Bench of this Court in *Ranjit Ram v. The Financial Commissioner, Revenue, Punjab and others*, 1981 P.L.J. 259, wherein it has been laid down as follows :

"A landowner whose land has been declared surplus under the Punjab Security of Land Tenures Act, 1953, or under the Pepsu Tenancy and Agricultural Lands Act, 1955, and who has not yet been divested of the ownership of the surplus area before the enforcement of the Punjab Land Reforms Act, 1972, is entitled to select the permissible area for his family and for each of his adult sons in view of the provisions of Section 4 read with Section 5(1) of the Punjab Land Reforms

Act".

3. Mr. Khungar, learned counsel for the private respondents seeks to argue that firstly the petitioner has taken no plea on the basis of the above noted judgment in the petition and secondly he has not exhausted the ordinary remedies by way of appeal and revision against the impugned order, Annexure P. 4. This contention of the learned counsel for the respondents does not deserve any serious consideration for the short reason that if the statute itself enjoins a duty on the respondent authorities to redetermine the surplus area of the petitioner in the light of the 1972 Act, the petitioner cannot possibly be forced to go through the tardy and lengthy proceedings, before the higher revenue authorities. In the light of the above, I quash the impugned orders, Annexures P. 4 and P. 5 and send the case back to the Collector for redetermination of the petitioner's surplus area in accordance with law and the observations made above. The parties through their counsel are directed to appear before the Collector on September 13, 1982.