
Shankar (deceased) through his LRs and others Vs Het Ram and others**Civil Writ Petition No. 2620 of 1987 (O and M)**

Court: High Court Of Punjab And Haryana At Chandigarh**Date of Decision:** Nov. 11, 2011**Citation:** (2011) 11 P&H CK 0123**Hon'ble Judges:** K. Kannan, J**Bench:** Single Bench

Judgement

K. Kannan, J.

The landlord's application for ejectment and the tenant's application for purchase right under the Punjab Security of Land

Tenures Act were disposed of together. The petition for ejectment was allowed by the first authority and he also held that the tenant was not

entitled to a purchase order. The order was modified to an extent by the Commissioner holding that the tenant shall be required to be

accommodated to an extent of 5 acres and this order was also affirmed by the Financial Commissioner. In the meanwhile, the tenant had been

evicted and the landlord had taken possession of the property in the year 1970. It appears that the tenant moved an application for restoration of

possession before the Assistant Collector 4 years later and the Assistant Collector observed that since surplus area proceedings had not

completed, it was pre-mature to decide the application. In the tenant's appeal to the Collector, he also declined to restore possession. The

Collector, however, directed that in the light of the order of the Commissioner, dated 02.09.1970, the Assistant Collector should proceed to

determine whether the tenant was in possession of 5 standard acres, besides the land in dispute. The tenant preferred an appeal to the Additional

Commissioner, but it was dismissed. While dismissing the appeal, the Additional Commissioner observed that the tenant should not have been

ejected from his tenancy. He directed, however, that it shall be verified whether he had any other land but since he already stood ejected, it would

create an unnecessary complication if he was restored in his tenancy without holding an enquiry as directed by the Collector. In a still further appeal

to the Financial Commissioner, he agreed with direction of the Collector of the Commissioner and the application of the tenant was required to be

considered without waiting for the outcome of the surplus area proceedings by the big landowner. It is this order which came to be challenged

before this Court.

2. It appears that during the pendency of the writ petition, an enquiry that had been undertaken by the Assistant Collector, Ist Grade, yielded to a

finding that the tenant was in possession of the property in an extent of 18 acres, 7 kanals and 18 marlas of land and he held in ownership of 2

acres, 3 kanals and 9 marlas. The properties were said to be situate in Sito Gumnno and Khairpur. Having regard to the findings that have come

subsequently, it is seen that the tenant is in possession of an extent of more than 5 acres other than the disputed land. Consequently, nothing more

is required to be done and the tenant shall not have any right of restoration of possession as claimed by him.

3. The writ petition is disposed of with the above directions.