

(2025) 12 P&H CK 0047

Punjab And Haryana HC

Case No: Civil Miscellaneous No. 24147 Of 2025 In Civil Revision No. 2304 Of 2024 (O&M)

Rajinder Singh @ Rajinder Pal
Singh And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision: Dec. 5, 2025

Acts Referred:

- Constitution Of India, 1950-Article 227
- Code Of Civil Procedure, 1908-Order 39 Rule 1, Order 39 Rule 2
- Land Acquisition Act, 1894-Section 4, 6

Hon'ble Judges: Vikas Bahl, J

Bench: Single Bench

Advocate: Mandeep Singh Sachdev, Rahul Sharma, Sandeep Singh

Final Decision: Disposed Of

Judgement

Vikas Bahl, J

1. This is a civil revision petition under Article 227 of the Constitution of India for setting aside the order dated 07.02.2024 (Annexure P-1) passed by the Additional District Judge, Jalandhar, whereby appeal filed by the respondents has been allowed.

2. Learned senior counsel for the petitioners has submitted that in the present case, suit for declaration that plaintiffs are joint owners and in joint possession of the land was filed and has further submitted that it is the petitioners/plaintiffs along with other co-sharers, who had been shown as owners of the property in question but suddenly, mutation No.19946 of 2015 was entered in the month of July 2015 without any basis. It is submitted that it was the case of the respondents/State that they had acquired the land but till date no notification under Section 4 or Section 6 of the Land Acquisition Act, has been produced, although the case is at its fag end as the evidence of the plaintiffs has been completed and even substantial evidence of the defendants has also been completed. It is submitted that only a photocopy of the award passed in

the year 1958 has been produced by the State of Punjab and in that also, there is no reference of any khasra numbers, much less, khasra numbers which are in dispute. It is submitted that in the said circumstances, the suit is maintainable. It is further argued that since the case is at the final stage, thus, the trial Court be requested to decide the same expeditiously de hors the observations made by the Courts and has further submitted that till the time the case is not decided, status quo regarding possession be maintained.

3. Learned counsel for the respondents/State has opposed the present petition and has submitted that the land in question was duly acquired and on instructions from Mr. Yuvraj, Zileadar, Water Resources Department, Punjab, has further submitted that the notifications under Section 4 and 6 of the Land Acquisition Act are being searched and after finding the same, the same would be produced before the trial Court. It is submitted that it is in fact the State of Punjab which is in possession of the land in question. It is further submitted that in case the present petition is to be disposed of by maintaining status quo regarding possession, then the same should not be construed as an expression on the merits of the case in favour of the petitioners and the respondents/State should be granted liberty to raise all pleas before the trial Court, which would be considered in accordance with law by the trial Court. Learned counsel for the respondents/State has further submitted that the main suit be decided de hors the observations made by the Courts.

4. Keeping in view the fair stand taken on behalf of the petitioners as well as the respondents and with their consent, the present revision petition is disposed of with the following directions/observations:

(i) Status quo regarding possession, as it exists today, will be maintained till the time the suit is finally decided. The grant of the said status quo order should not be construed as an expression on the merits of the case. The trial Court would decide the main suit on the basis of the documents and evidence on record de hors the observations made by the trial Court as well as the Appellate Court while deciding the application under Order 39 Rules 1 and 2 CPC, as it is a matter of settled law that the said observations are only for the purpose of deciding interim application and the same have no bearing on the decision of the main case. It would be open to both the parties to raise all the pleas which are available to them in law at the time of final arguments.

(ii) Since the suit is stated to be at the stage of defendant evidence, thus, the trial Court is requested to decide the suit as expeditiously as possible.

5. Pending applications stand disposed of.