

Karta

Vs

Financial Commissioner, Haryana & Others

Civil Appeal No. 1729 of 1984

(Ranganath Misra, G.L. Oza JJ)

21.01.1988

ORDER

1. This appeal is by special leave and is directed against the decision of the Punjab and Haryana High Court upholding the eviction of the appellant from certain agricultural land in the possession of the appellant. The matter was before this Court earlier in Civil Appeal No. 929 of 1980 and this Court had vacated the decision of the High Court dismissing the writ petition in limine and had require the High Court to dispose of the matter on merit. On remand, the High Court by a reasoned judgment has dismissed the writ petition.

2. The petition for eviction seems to have originated in December 1969 when an application for appellant's ejectment in Form K-I under Section 14-A(1) read with Section 9(1)(i) of the Punjab Security of Land Tenures Act, 1953, was first made. It is not in dispute that the original land owner, Smt. Kanti, was a "big land owner" within the meaning of the Act. She gifted her entire land to her daughter who sold the disputed property being a part of such land to the original applicants in 1961. The tenant has lost at every stage. The tenant has lost at every stage. The interpretation of Sections 9 and 9-A of the Act are really not of any avail to the appellant at this stage as at every stage the case has turned on facts against him. Unless the set of facts are again considered on the basis of material available, it is difficult to reverse the decision for eviction upheld by the authorities under the Act and the High Court. We do not think it would be appropriate to attempt that at this stage.

3. The tenant appears not to have complied with the direction of this Court in the matter of payment of mesne profits. According to the learned counsel for the appellant the assessment made by the Assistant Collector under this Court's direction is wrong and the money which has been put into the court is sufficient to meet the demand. How much the tenant is liable to pay to the landlord is again not a question which this Court can be called upon to decide. In this setting of the matter we have thought it appropriate to close this two decade old dispute between the parties by direction as follows :

(1) The eviction as directed shall become final and unless by May 15, 1988, the appellant voluntarily surrenders the property from which he has been directed to be evicted he shall be evicted forthwith thereafter according to law.

(2) The money either paid or deposited towards rent shall be taken as sufficient to wipe put the entire liability of the tenant up to May 1988, and the landlord would not be entitled to recover any further amount except withdrawing such amount as have been deposited towards rent; and

(3) The appellant-tenant shall be entitled to a holding of five acres as provided under the law, in case there be no other impediment and the revenue authorities do place him in possession of such a holding, if entitled, at the earliest.

4. The appeal is accordingly disposed of. There would be no order for costs throughout.

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