

LPA-2065-2026(O&M) &
LPA-2066-2026(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2065-2026(O&M)

KARAN SINGH
Versus
....Appellant

STATE OF HARYANA & OTHERS
....Respondents

LPA-2066-2026(O&M)

LAKHMI @ LAKSHMI CHAND
Versus
....Appellant

STATE OF HARYANA & OTHERS
....Respondents

1	The date when the judgment is reserved	27.07.2026
2	The date when the judgment is pronounced	18.09.2026
3	The date when the judgment is uploaded	18.09.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON’BLE MR. JUSTICE DEEPAK SIBAL
HON’BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. P.S. Dhaliwal, Advocate
for the appellant (In both Appeals).

Mr. Saurabh Mohunta, DAG, Haryana
for respondent No.1&2 (In both Appeals).

Mr. Vivek Saini, Advocate for respondent No.3
(In both Appeals).

RUPINDERJIT CHAHAL, J.

CM-5005-LPA-2026 in LPA-2065 of 2026

This is an application seeking condonation of delay of 23 days in

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Notice in the application.

For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed.

Delay of 23 days in re-filing the appeal is condoned.

CM-5009-LPA-2026 in LPA-2066 of 2026

This is an application seeking condonation of delay of 5 days in filing the appeal.

Notice in the application.

For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed.

Delay of 5 days in filing the appeal is condoned.

CM-5010-LPA-2026 in LPA-2066 of 2026

This is an application seeking condonation of delay of 23 days in re-filing the appeal.

Notice in the application.

For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed.

Delay of 23 days in re-filing the appeal is condoned.

Main Appeals

1. The present set of Letters Patent Appeals are directed against the judgments dated 16.04.2026 and 23.04.2026 passed by the learned Single Judge in CWP No. 11216 of 2026 and CWP No. 37420 of 2025 respectively, whereby the writ petitions filed by the appellants challenging

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the demolition proceedings initiated by the respondent-Municipal Corporation came to be dismissed. Since both the appeals pertain to the same land, arise out of the same set of facts and circumstances and involve identical questions for consideration, they are being taken up together and are being disposed of by this common order.

2. The appellants claim their rights through their predecessor-in-interest, Late Badle, son of Chander, who was allegedly in continuous cultivating possession of land measuring 34 Kanals 5 Marlas, situated in Village Sihi, Tehsil Ballabgarh, District Faridabad, as a Gair Marusi tenant since prior to the year 1943-44. According to the appellants, the said tenancy continued uninterrupted for several decades and their predecessor remained in settled possession of the land.

3. In the year 1994, the Faridabad Complex Administration initiated proceedings for their eviction under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. The Estate Officer, vide order dated 23.04.1994, ordered their eviction, which order was affirmed in appeal on 17.02.1995. Aggrieved thereby, the predecessor-in-interest of the appellants approached this Court by filing CWP No. 18641 of 1995. Vide judgment dated 14.03.1997 this Court set aside both the aforesaid orders and remitted the matter to the Collector, Ballabgarh, with a direction to determine, inter alia, whether the respondent-Corporation had the locus and authority to seek their eviction and whether the predecessor-in-interest of the appellants could be treated as an unauthorised occupant during the pendency of the proceedings. The Collector, vide interim order dated 15.09.2004 protected the appellants from dispossession. Subsequently, out of the

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aforesaid land, an area measuring 12 Kanals 15 Marlas came to be acquired by the State. In Land Acquisition Case No. 411 of 2010 decided on 22.03.2016 the learned Additional District Judge, Faridabad, recognised the predecessor-in-interest as a Gair Marusi tenant and directed payment of 75% of the compensation in his favour, while awarding the remaining 25% to the Municipal Corporation as owner of the land.

4. Notwithstanding the pendency of the aforesaid proceedings and the recognition of the tenancy rights by the learned Additional District Judge, the Joint Commissioner, Municipal Corporation, Faridabad, passed a demolition order dated 01.09.2017 under Section 408-A of the Haryana Municipal Corporation Act, 1994, directing demolition of the residential/agricultural structures existing on the land in question. The statutory appeal preferred by the appellants against the said order was dismissed by the Divisional Commissioner vide order dated 05.02.2021. The appellants thereafter approached this Court by filing CWP No. 942 of 2022. The said petition was allowed by this Court vide order dated 07.02.2023 whereby the order passed by the Divisional Commissioner was set aside and the matter was remitted for fresh consideration.

5. Upon remand, the Divisional Commissioner, vide order dated 05.02.2025, again dismissed the appeal, principally on the ground that the revenue records for the year 2008-09 did not reflect the existence of any residential structure, the land being recorded as “Gair Mumkin Gairth/House” and that a Gair Marusi tenant could not alter the nature of the land without the consent of the owner. Aggrieved by the aforesaid order, the appellants once again approached this Court by filing CWP No. 11216 of

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2026 and CWP No. 37420 of 2025. The said petition came to be dismissed by the learned Single Judge vide judgment dated 16.04.2026. The learned Single Judge, inter alia, held that the revenue record did not establish the appellants' possession over the portion of the land directed to be demolished and that, insofar as the proprietary rights were concerned, the appropriate remedy for the appellants was to institute a civil suit.

6. Aggrieved by the aforesaid judgment, the appellants have preferred the present Letters Patent Appeal(s).

7. Learned counsel appearing for the appellants submitted that the learned Single Judge erred in dismissing the writ petition without appreciating that the proceedings initiated under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, pursuant to the remand order passed by this Court in CWP No. 18641 of 1995 are still pending before the Collector and the question as to whether the appellants are unauthorised occupants has not attained finality. It was contended that, until the said question is finally determined by the competent authority, the respondents could not have presumed the appellants to be unauthorised occupants and proceeded to initiate demolition proceedings under Section 408-A of the Haryana Municipal Corporation Act, 1994. Learned counsel submitted that such action, during the pendency of the proceedings in which the status of the appellants is itself under adjudication, would amount to pre-judging the very issue pending before the competent authority and would effectively render the remand order passed by this Court nugatory.

7.1 It was further contended that the predecessor-in-interest of the appellants had remained in continuous and settled possession of the land for

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several decades as a Gair Marusi tenant. Learned counsel submitted that the said fact is borne out from the earlier eviction proceedings initiated by the respondents themselves, as also from the land acquisition proceedings, wherein the learned Additional District Judge recognised the tenancy rights and directed payment of 75% of the compensation to the appellants' predecessor-in-interest. It was argued that such long-standing and settled possession could not be disturbed except in accordance with law and that the appellants were entitled to protection against dispossession otherwise than through due process of law.

7.2 The appellants further submitted that both the Divisional Commissioner as well as the learned Single Judge had proceeded principally on the basis of the absence of any entry regarding the residential structure in the revenue record for the year 2008-09 and, on that basis alone, concluded that the construction was unauthorised. It was contended that revenue records are maintained primarily for fiscal purposes and that mere absence of an entry therein, by itself, cannot establish either that the construction was raised subsequently or that the same was unauthorised. Learned counsel submitted that the Municipal Corporation had not placed on record any independent material, such as a local inspection report, demarcation report, municipal survey, site plan, satellite imagery or any other evidence, to establish that the construction in question was unauthorised. It was, therefore, contended that the impugned findings rest on presumptions and conjectures rather than on any cogent material or evidence. It was further submitted that the authorities failed to take into consideration the material circumstances borne out from the record, including the appellants' long and

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settled possession, the earlier rounds of litigation, the orders passed by this Court and the recognition of the tenancy rights in the land acquisition proceedings. Learned counsel contended that, by disregarding these material circumstances and basing the conclusion substantially on a solitary revenue entry, the authorities had arrived at a conclusion which was arbitrary and unsustainable in law.

7.3 Learned counsel for the appellants further contended that the learned Single Judge introduced an entirely new ground while observing that the appellants ought to have initiated proceedings under Section 13-A of the Haryana Village Common Lands (Regulation) Act, 1961 and 1964 rules, although neither the demolition order nor the order passed by the Divisional Commissioner was founded upon such a consideration. It was submitted that an administrative order has to stand or fall on the reasons recorded therein and cannot subsequently be supplemented by reasons which did not form part of the decision-making process. Learned counsel contended that the Court cannot sustain an administrative action by supplying or assigning reasons which were neither recorded nor relied upon by the authority at the relevant stage. It was further argued that the Divisional Commissioner had returned mutually inconsistent findings. On the one hand, the authority acknowledged that the legality of the appellants' possession remained subject to determination in the pending eviction proceedings; on the other hand, it proceeded to uphold the demolition on the premise that the construction was unauthorised. According to learned counsel, such findings could not stand together, since the determination of the appellants' status and rights in respect of the land was itself pending before the competent

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authority. The demolition proceedings, therefore, could not have been sustained on the assumption of a disputed status which remained to be adjudicated.

7.4 Lastly, it was contended that demolition of the structures would cause irreparable prejudice to the appellants by permanently destroying the immovable property before their legal status and rights in respect of the land are finally adjudicated. Learned counsel submitted that permitting demolition at this stage would, in effect, prejudice the rights of the parties without first resolving the principal dispute pending before the Collector. It was argued that such action would not only render the proceedings pursuant to the remand order passed by this Court nugatory, but would also enable the respondents to achieve indirectly what they are yet to establish in the pending proceedings.

7.5 Learned counsel, accordingly, submitted that the impugned judgments dated 16.04.2026/23.04.2026, the order dated 05.02.2025 passed by the Divisional Commissioner, and the demolition order dated 01.09.2017 are legally unsustainable and liable to be set aside.

8. Learned counsel appearing for the respondent-State submitted that the impugned judgment passed by the learned Single Judge does not suffer from any error of law warranting interference in the present intra-Court appeal. The learned Single Judge independently examined the findings recorded by the Divisional Commissioner and rightly held that no case for interference under Articles 226 and 227 of the Constitution of India was made out, as the appellants had failed to demonstrate that the findings

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recorded by the statutory authority were perverse, unsupported by evidence or contrary to any statutory provision.

8.1. It was contended that the principal submission founded upon the pendency of the eviction proceedings pursuant to the remand order passed by this Court in CWP No. 18641 of 1995 is misconceived. The said proceedings relate to the question whether the appellants are unauthorised occupants within the meaning of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, whereas the proceedings in the present case arise under Section 408-A of the Haryana Municipal Corporation Act, 1994, which governs the question of unauthorised construction. The two proceedings operate in distinct fields and are founded upon different statutory provisions. The pendency of one proceeding, therefore, does not, by itself, preclude initiation or continuation of proceedings under the other enactment.

8.2. Learned counsel further submitted that reliance placed by the appellants upon the status of their predecessor-in-interest as a Gair Marusi tenant is legally untenable. A Gair Marusi tenant is essentially a non-occupancy tenant and acquires no proprietary rights in the land merely by virtue of such tenancy. In the absence of the consent of the owner or any statutory provision conferring such authority, such a tenant cannot claim a right to raise permanent construction or alter the nature or character of the land. No statutory provision, rule or precedent was brought to the notice of the authorities or this Court establishing any such right in favour of the appellants. It was contended that the appellants cannot claim any greater right merely on the basis of their alleged long-standing possession.

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8.3. It was further argued that the assertion that the structure in question was an old ancestral construction is not borne out from the official revenue record. The Jamabandi for the year 2008-09 contains no entry reflecting the existence of any house, Gair Mumkin Gairth or other permanent structure on the disputed land. Had such a structure existed for several decades, it would ordinarily have found some reflection in the relevant revenue record. Apart from the said assertion, the appellants failed to produce any Khasra Girdawari, Jamabandi, mutation entry, municipal record or other documentary material establishing either their possession over the disputed site or the existence of the alleged construction. The learned Single Judge, therefore, rightly recorded that no material had been produced to establish the nature of the appellants' possession over the disputed land. Such concurrent findings of fact, based on the material available on record, do not warrant interference in an intra-Court appeal in the absence of any perversity or patent error of law.

8.4. The respondents further contended that the appellants themselves had pleaded that the land forms part of the Shamlat Deh. Having taken such a stand, the appellants could not simultaneously assert independent proprietary rights therein. If the appellants claimed any right, title or interest in the Shamlat Deh land, the appropriate remedy was to institute proceedings under Section 13-A of the Haryana Village Common Lands (Regulation) Act, 1961. Admittedly, no such proceedings had been initiated. The learned Single Judge, therefore, rightly declined to adjudicate upon the disputed questions of title in exercise of the writ jurisdiction of this Court.



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8.5. It was lastly submitted that there was no violation of the principles of natural justice. The earlier remand by this Court was only with a view to affording the appellants an opportunity of hearing, which was duly granted by the Divisional Commissioner. Upon consideration of the material and the submissions made by the parties, the Divisional Commissioner passed a detailed and reasoned order. No prejudice, therefore, can be said to have been caused to the appellants on account of any alleged denial of opportunity. Learned counsel accordingly submitted that the present Letters Patent Appeal is devoid of merit and does not give rise to any substantial question warranting interference by this Court. It was prayed that the appeals be dismissed with costs and that the judgment of the learned Single Judge, as also the orders passed by the Joint Commissioner and the Divisional Commissioner, be affirmed.

9. We have heard learned counsel for the parties at considerable length and have carefully perused the material available on record. Upon thoughtful consideration of the rival submissions, we are of the considered view that the present appeals are devoid of merit and do not warrant interference with the well-reasoned judgments rendered by the learned Single Judge.

9.1. The principal contention advanced on behalf of the appellants is that, since the proceedings initiated under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, pursuant to the remand order passed by this Court in CWP No. 18641 of 1995 are still pending before the Collector, the respondents were legally precluded from initiating or continuing proceedings for demolition under Section 408-A of the Haryana

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Municipal Corporation Act, 1994. We are unable to accept the said contention. The proceedings under the Public Premises Act and those under Section 408-A of the Haryana Municipal Corporation Act operate in distinct and independent fields. The former are concerned with determination of the status of the occupant and the legality of his occupation of public premises, whereas the latter empowers the Municipal Corporation to regulate and take action in respect of unauthorised construction. The subject matter, purpose and statutory foundation of the two proceedings are fundamentally different. The mere pendency of proceedings relating to eviction cannot lead to an automatic conclusion that the statutory authority is denuded of its jurisdiction to examine whether any construction has been raised in violation of the provisions of the Municipal Corporation Act. Acceptance of the submission advanced on behalf of the appellants would amount to reading into Section 408-A of the Haryana Municipal Corporation Act, 1994, a restriction which the Legislature has not incorporated.

9.2. Equally untenable is the submission founded upon the alleged status of the predecessor-in-interest of the appellants as a Gair Marusi tenant. Even assuming, for the sake of argument, that such status existed, the same would not, ipso facto, confer any right to raise permanent structures or alter the character of the land without the consent of the owner or authority of law. A Gair Marusi tenant is admittedly not the owner of the property. Throughout the proceedings, the appellants have failed to point out any statutory provision, rule or binding precedent conferring upon a non-occupancy tenant an unrestricted right to raise permanent construction upon the land in his possession. Long-standing possession, by itself, cannot

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enlarge the legal incidents of tenancy or confer a right to disregard statutory restrictions governing construction.

9.3. We also find no infirmity in the reliance placed by the authorities upon the contemporaneous revenue record. The Divisional Commissioner has recorded that the Jamabandi for the year 2008-09 does not contain any entry depicting the existence of a residential house or a Gair Mumkin Gairth over the disputed land. Significantly, despite asserting that the structure was ancestral and had existed for several decades, the appellants failed to produce any cogent documentary material, whether in the form of earlier revenue entries, municipal records, sanctioned building plans, Khasra Girdawari, mutation entries or any other contemporaneous record to substantiate the existence and legality of such construction. The burden to establish the existence and legality of the construction, in the facts of the present case, lay upon the appellants. Once the official record did not support their assertion, the concurrent factual findings recorded by the statutory authority and affirmed by the learned Single Judge cannot be characterised as perverse or based on no evidence so as to warrant interference in an intra-Court appeal.

9.4. Considerable emphasis was placed upon the fact that, in the land acquisition proceedings, the appellants' predecessor-in-interest was recognised as a Gair Marusi tenant and was awarded a substantial share in the compensation. In our considered view, the said circumstance does not advance the case of the appellants. Proceedings under the land acquisition law determine entitlement to compensation consequent upon compulsory acquisition. Recognition of cultivation or tenancy rights for the limited

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purpose of apportionment of compensation neither confers ownership upon the claimant nor validates a construction which is otherwise unauthorised under the applicable municipal law. The learned Single Judge has rightly noticed that the acquisition proceedings and the demolition proceedings arise under different statutory regimes and that the determination in one does not govern the other.

9.5. The appellants have also contended that the learned Single Judge travelled beyond the impugned orders by observing that, if the appellants claimed any independent right, title or interest in the Shamlat Deh land, their appropriate remedy would be to institute proceedings under Section 13-A of the Haryana Village Common Lands (Regulation) Act, 1961. We find no merit in the said submission. The observation made by the learned Single Judge merely indicates the appropriate statutory remedy available where the appellants seek adjudication of any independent claim of title or proprietary rights. Such observation neither supplements the reasons recorded by the statutory authority nor supplies a fresh basis for sustaining the impugned action. The learned Single Judge correctly declined to adjudicate disputed questions relating to title or proprietary rights while exercising jurisdiction under Articles 226 and 227 of the Constitution of India.

9.6. Equally devoid of merit is the submission that the demolition proceedings amounted to a pre-determination of the issue pending before the Collector. The question as to whether the appellants are liable to be evicted from the land and the question whether a construction standing thereon is unauthorised are distinct legal issues, falling for consideration under



different statutory enactments. The determination of one issue does not necessarily conclude the other. The pendency of the eviction proceedings, therefore, cannot be treated as a legal embargo upon the exercise of statutory powers under Section 408-A of the Haryana Municipal Corporation Act, 1994.

9.7. We also find that no procedural illegality or violation of the principles of natural justice has been demonstrated. Pursuant to the earlier remand order passed by this Court, the Divisional Commissioner afforded adequate opportunity of hearing to the appellants and thereafter passed a detailed and reasoned order dealing with the contentions raised before him. No prejudice on account of denial of opportunity of hearing has been established.

9.8. It is well settled that, in an intra-Court appeal, the Division Bench does not ordinarily sit as a Court of first appeal over the findings of fact recorded by the statutory authority and affirmed by the learned Single Judge. Interference would be warranted only where such findings are shown to be perverse, manifestly arbitrary, based on no evidence or founded upon a material misreading of the record. No such infirmity has been demonstrated in the present case. The appellants have failed to point out any material error or perversity in the findings recorded by the learned Single Judge. The learned Single Judge has examined the matter in its correct legal perspective and has rightly declined to exercise the extraordinary writ jurisdiction of this Court.

10. For all the aforesaid reasons, we are of the considered opinion that the impugned judgments dated 16.04.2026 and 23.04.2026 passed by

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the learned Single Judge do not suffer from any legal or factual infirmity warranting interference in exercise of the intra-Court appellate jurisdiction of this Court.

11. The appeals, being devoid of merit, are accordingly dismissed. Consequently, the order dated 05.02.2025 passed by the Divisional Commissioner and the order dated 01.09.2017 passed by the Joint Commissioner, Municipal Corporation, Faridabad, are affirmed.

12. Pending miscellaneous applications, if any, shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(RUPINDERJIT CHAHAL)
JUDGE

18.09.2026
Puneet

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes