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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-56291-2024 (O&M)

Rampal and others

....Petitioners

V/s

State of Haryana and others

....Respondents

Date of Reserve: 21.09.2026**Date of decision: 25.09.2026****Date of Uploading : 25.09.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. P.S. Dhaliwal, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with

Mr. Nitin Sachdeva, Advocate for respondent Nos.4, 5, 8, 9, 11 to 15, 17, 18, 20, 22 and 24 to 40)

SUMEET GOEL, J.

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the order dated 26.07.2024 passed by the learned Additional Sessions Judge, Kaithal whereby the revision petition preferred by the petitioners (herein) against the order dated 04.01.2018 passed by the learned Sub-Divisional Magistrate, Kaithal, has been dismissed. The petitioners have also sought quashing of the order dated 04.01.2018 whereby a receiver has been appointed for transferring the property in question to Samadh Baba Nihal Gir (respondent No. 39 herein), through its alleged Mahant (respondent No. 40 herein)

2. The relevant factual backdrop of the *lis* in hand, as emerging from the pleadings and the documents placed on record, is adumbrated thus:

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- (i) The dispute pertains to land measuring approximately 514 Kanal 6 Marla, situated in Village Gohana, District Kaithal. The petitioners (herein) claims rights in the property on the basis of a registered lease-deed dated 06.06.1970, stated to have been executed by Gir, described as Mohatmim of Samadh Baba Nihal Gir.
- (ii) The said lease is stated to have been executed for a period of 99 years (commencing from 1971 and extending up to 2070), for a total consideration of Rs.60,000/-. It has been further asserted that the possession of the land was delivered to the lessees in pursuance to the lease-deed & the lessees and their predecessors remained in cultivating possession thereafter. The petitioners have relied upon mutation No. 2152 dated 11.01.1972 and the corresponding revenue entries, including Jamabandis and Khasra Girdawaris, in support of their claim of possession.
- (iii) The petitioners have alleged that in the year 2008, it came to their knowledge that the Khasra Girdawari entries were changed in favour of Samadh Baba Nihal Gir whereinafter they approached the revenue authorities for correction of the said entries. Pursuant thereto, the Assistant Collector 1st Grade, visited the spot and found the land in question to be in the possession of the lessees and passed the order of correction of Khasra Girdawaries vide order dated 20.09.2023 in favour of the lessees (petitioners herein). An appeal was preferred before the Collector, Kaithal against the said order and the matter was, thereafter, remanded to Assistant Collector Ist Grade, Kaithal for fresh adjudication and the same is now stated to be pending.

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- (iv) In the meantime, the parties had also entered into civil litigation contending their respective rights and possession over the disputed land. As per the petitioners, an illegal attempt had been made by some respondents on 18.05.2015 to take forceful possession of the property, following which civil proceedings for grant of permanent injunction were initiated by the petitioners. Subsequently, the proceedings under Sections 145 and 146 of Cr.P.C. were also initiated by the private respondents and on 01.06.2015, the Sub-Divisional Magistrate, Kaithal attached the disputed property under Section 146 of Cr.P.C. and appointed the Naib Tehsildar, Kaithal as receiver, directing him to take possession of the property for managing the same.
- (v) The petitioners posed a challenge to the aforesaid order before the Additional Sessions Judge, Kaithal and vide order dated 11.12.2017, the revisional Court set-aside the order dated 01.06.2015, by observing that the requisite satisfaction to conditions contemplated under Section 145 of Cr.P.C. had not been recorded by the learned Magistrate.
- (vi) Thereafter, the private respondents again moved an application before the Sub Divisional Magistrate for delivering the possession of the disputed land and vide order dated 04.01.2018, the Sub-Divisional Magistrate directed the possession of the disputed property to be delivered through the receiver to Samadh Baba Nihal Gir through its alleged Mahant Baba Tota Gir Chela Chetna Gir. Aggrieved against the order dated 04.01.2018, the petitioners preferred a criminal revision and the learned Additional Sessions Judge, Kaithal, after

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examining the record, dismissed the revision vide impugned order dated 26.07.2024 by holding that the petitioners had claimed joint possession since 1971 on the basis of the lease deed, whereas the revenue entries had been changed in the year 2008 and subsequently corrected by the revenue authority on 20.09.2013, whereafter the matter was again remanded for fresh adjudication. The revisional Court further noticed that a civil suit instituted by the petitioners had been dismissed on 29.08.2015 as also the appeal against the said judgment stood dismissed on 10.01.2023; whereinafter regular second appeal was stated to be pending before this Court.

(vii) It is in this factual backdrop that the petition in hand has been filed before this Court seeking quashing of order dated 26.07.2024 passed by Additional Sessions Judge, Kaithal and order dated 04.01.2018 passed by Sub-Divisional Magistrate whereby a direction has been issued to receiver to deliver the possession of the disputed property to Samadh Baba Nihal Gir through Mahant Baba Tota Gir Chela Chetna Gir.

3. Learned counsel for the petitioners has iterated that the order dated 04.01.2018 passed by Sub-Divisional Magistrate is legally unsustainable and the revisional Court has failed to properly appreciate the material available on record. Learned counsel has further iterated that the petitioners have been in continuous possession of the disputed land in pursuance to the registered lease-deed dated 06.06.1970, whereby the property in question was leased to them for a period of 99 years from 1971 to 2070. In this regard, learned counsel has placed reliance upon the revenue

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enteries including mutation entry, Jamabandi and Khasra Girdawari in support of their possession. Learned counsel has emphasized that the revenue record as well as the report of the revenue authorities demonstrate the continuous possession of the petitioners. It has been further argued that the correction proceedings regarding the Khasra Girdawari had been undertaken in favour of the petitioners and the revenue proceedings had been subsequently remanded. According to learned counsel, the petitioners could not have been dispossessed otherwise than in accordance with law and the Sub Divisional Magistrate, while passing the order dated 04.01.2018, has failed to consider and properly appreciate the lease deed, revenue entries and other documentary material available/placed on record. Learned counsel has also relied upon the order dated 11.12.2017 passed by the Additional Sessions Judge, whereby the order dated 01.06.2015 under Sections 145/146 of Cr.P.C. had been set-aside for want of requisite satisfaction to the condition(s) contemplated under section 145 of Cr.P.C. and, therefore, the subsequent order directing delivery of possession was legally untenable. Furthermore, the rights of the petitioners under the applicable tenancy/revenue laws could not be defeated merely by resorting to proceedings under Section 145/146 of Cr.P.C., particularly when the petitioners have claimed a subsisting lease conferring rights for a period of 99 years extending up to the year 2070. On the strength of these submissions, quashing of orders dated 04.01.2018 and 26.07.2024 is entreated for.

4. Learned State counsel has contended that the dispute is essentially private in nature.

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5. In *oppugnation*, learned senior counsel appearing for the private respondents has opposed the petition in hand and iterated that there is no illegality muchless jurisdictional error found in the order dated 04.01.2018 passed by Sub Divisional Magistrate. It has been contended that the controversy between the parties is essentially based upon their respective claims regarding title, lease, possession and revenue entries, and the competent Civil Court has already adjudicated the dispute against the petitioners. According to learned senior counsel, the revisional Court has considered the entire revenue record as well as the judgment rendered by the Civil Court and thereafter found that the order dated 04.01.2018 has been passed judiciously after proper appreciation/consideration of the material available before the revenue authority. Accordingly, a prayer has been made for the dismissal of the petition in hand.

6. I have heard learned counsel for the rival parties and have gone through the material available on record.

7. The controversy raised in the instant petition must be examined against the backdrop of the circumscribed and guarded scope of interference under the inherent jurisdiction of this Court, as envisaged under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). While the inherent power(s) of this Court is undeniably expansive, the jurisprudence governing its invocation mandates that such jurisdiction be exercised sparingly, with utmost circumspection, and only to prevent the abuse of the process of any court or to secure the ends of justice. The threshold for interference, by invocation of inherent powers under Section 528 BNSS, becomes exceptionally narrow when the order impugned originates not from

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a court of first instance, but has been affirmed or passed in the exercise of revisional jurisdiction by the Court of Sessions. Since, the scope of revisional scrutiny is itself inherently narrow; and is confined strictly to examining patent illegality, jurisdictional error, or manifest perversity; a subsequent challenge before the High Court under Section 528 of the BNSS operates within an extraordinarily constricted domain.

A crucial legal distinction must therefore be drawn with regard to the varying degrees of judicial restraint exercisable under Section 528 of the BNSS. On one end of the spectrum stand those cases where the High Court is approached directly against an original proceeding or an order passed by the Court/authority of first instance, where the Court retains a broader canvas to examine the perversity/illegality of the order/proceedings impugned. On the other end of the spectrum (as is the case herein) is a challenge directed against an order passed by the Court of Session in the exercise of its revisional jurisdiction, which operates within a limited domain. When a Court of Sessions has already tested the correctness of an order through revisional jurisdiction; restricting its own review to correcting patent illegality, procedural impropriety, or manifest miscarriage of justice; a petition under Section 528 BNSS virtually morphs into a disguised second revision, which is barred both in letter and spirit under procedural code (BNSS). Consequently, the petitioner shoulders a heavily accentuated burden to demonstrate an egregious failure of justice or a glaring jurisdictional defect, for inviting an interference by the High Court, in such cases. This restraint assumes heightened significance where the lis between the parties hinges upon intricate, disputed questions of fact, such as

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possession, title, and the legal construction or effect of a lease-deed, which are alien to summary proceedings.

8. Reverting to the factual conspectus of the instant case, the petitioners have claimed their right and possession over the disputed land primarily on the basis of the registered lease-deed dated 06.06.1970. According to the petitioners, the land measuring 514 Kanal 6 Marla was leased out to them for a period of 99 years i.e. from the year 1971 to 2070. In this regard, the petitioners have placed reliance upon the mutation entered on the basis of the said lease-deed as well as the subsequent revenue record, including Jamabandis and Khasra Girdawaris, to contend that they continued to remain in possession of the said property. Further reliance has also been placed upon the order dated 20.09.2013 passed by the Assistant Collector 1st Grade whereby Khasra Girdawari entries had been corrected in their favour.

9. There is, however, another important *nay* pertinent aspect of the matter which cannot be lost sight of. The dispute between the parties has not remained confined to the revenue record. The respective parties have approached the Civil Court in respect of their claims over the same property. The record reflects that the civil suit instituted by the petitioners was dismissed on 29.08.2015 and the appeal preferred thereagainst stands dismissed on 10.01.2023 and the regular second appeal is stated to be pending before this Court. In the considered opinion of this Court, the petitioners cannot seek a complete re-adjudication of the *lis* which have arisen between the parties concerning their respective rights and possession over the property in question by filing the petition in hand seeking quashing

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of the impugned orders. Furthermore, the reliance placed by the petitioners on the order dated 11.12.2017 passed by the Additional Sessions Judge, Kaithal, whereby the order dated 01.06.2015 passed under Sections 145 and 146 of the Cr.P.C. was set aside, does not help the cause of the petitioner as the said order was passed on the basis of the material available on record and the circumstances prevailing at that relevant point of time. Consequently, the petitioners cannot derive any benefit from the order dated 11.12.2017 for the purpose of seeking quashing of the subsequent orders by way of the petition in hand. In the considered opinion of this Court, the revisional Court had passed the impugned order after examining the subsequent developments, including the civil litigation and the revenue record, and consequently declined to interfere with the order passed by the Sub Divisional Magistrate. Furthermore, the registered lease-deed relied upon by the petitioners cannot, at this stage in the factual *milieu* of the case in hand, be treated as conclusive with regard to possession of the property in question. The plea of the petitioners that the Sub Divisional Magistrate ought to have accepted the claim of the petitioner with regard to possession and ought not to have directed delivery of possession through the receiver to the private respondents does not merit acceptance at this stage. It is also apt to note herein that the Additional Sessions Judge had not dismissed the revision petition mechanically and the impugned order dated 26.07.2024 was passed after considering the factual background of the dispute as also the proceedings before the civil and revenue authorities. The learned revisional Court held that the impugned order passed therein did not warrant

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any interference as the Civil Court had already decided the relevant proceedings and the appeal preferred against the same also stood dismissed.

10. By way of present petition, the petitioners have not been able to show that the said reasoning suffers from any perversity or that the revisional Court has ignored any material document or statutory provision which would amount to gross abuse of process of law. The jurisdiction under Section 528 BNSS has to be exercised sparingly and in exceptional circumstances particularly where the proceedings or order suffer from blatant illegality, perversity or jurisdictional defect which would tantamount to failure of justice. By way of the petition in hand seeking quashing of the impugned orders, the petitioners have essentially sought a fresh examination of the merits of the dispute which would not be justified in the facts of the present case.

11. Considering the factual matrix of the case in hand, this Court is of the considered opinion that the petitioners have failed to make out any exceptional circumstance which would warrant interference under Section 528 BNSS. The order dated 04.01.2018 passed by the Sub-Divisional Magistrate, Kaithal, and the subsequent order dated 26.07.2024 passed by Additional Sessions Judge, Kaithal in revisional jurisdiction, cannot be said to be suffering from any patent illegality, perversity or jurisdictional infirmity.

12. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merits and is hereby dismissed.



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- (ii) It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion upon any independent substantive right or claim of the parties which may be pending before any competent civil, revenue or appellate forum.
- (iii) Pending application(s), if any, shall stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

September 25, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No