

CR-1204-2012 (O&M)

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

**CR-1204-2012 (O&M).
Decided on: July 8, 2015.**

Sukhdev Singh

... Petitioner(s)

VERSUS

Gram Panchayat and others

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Proxy counsel for Mr.N.K.Verma, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL).

Vide impugned order Annexure P1 dated 16.9.2011, the Civil Judge (Jr. Divn.), Fatehgarh Sahib, has ordered return of the plaint to the plaintiff- petitioner claiming a declaration that the property in dispute vests in Gram Panchayat and that he is in possession of the same. The said order has been upheld by the Additional District Judge, Fatehgarh Sahib, vide order Annexure P2, dated 30.9.2011.

I have heard the learned counsel for the petitioner in context to the provisions of Section 9 read with Order VII Rule 10 CPC and Section 11 and 13 of the Punjab Village Common Lands (Regulations) Act, 1961 (for short 'the Act'). The petitioner has already obtained a decree for injunction from the Civil Court prior to the filing of the present suit. The controversy whether the property vests in Gram Panchayat, cannot be adjudicated upon by Civil Court

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in view of specific bar under Section 13 of the Act. In case the petitioner claims any right, title or interest in the property in dispute the remedy available to him is under Section 11 of the Act. He has not availed the said remedy and has approached the Civil Court for seeking a declaration against the Gram Panchayat. The jurisdiction of the Civil Court is expressly barred under the provisions of Section 13 of the Act and the petitioner has got alternative remedy to file a claim under Section 11 of the Act.

I do not find any ground to interfere in the impugned order passed by the Courts below. The revision petition is dismissed. It will be open to the petitioner- plaintiff now to avail the legal remedy available to him within a period of one month after the receipt of certified copy of the order.

July 8, 2015.

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**(M.M.S. BEDI)
JUDGE**