

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CIVIL Writ Petition No.8274 of 1987
Date of Decision: 17.3.2015

Gram Panchayat Village Kangror ..Petitioner

versus

The Director Consolidation, Punjab, Chandigarh
and others ..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Sarwan Singh, Senior Advocate,
with Mr. N.S.Rapri, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Addl.A.G.,Punjab
for respondent nos.1 to 3.

Mr. S.K.Pipat, Senior Advocate
with Mr. Manoj Pundir, Advocate
for respondent no.4.

Mr. P.P.S Doabia, Advocate,
for respondent no.5.

RAJIVE BHALLA, J.(ORAL)

Gram Panchayat of village Kangror, Tehsil Nawanshahar,
District Jalandhar, is before us challenging orders dated 26.4.1985,
16.7.1986, 12.9.1986 and 3.7.1987, passed by the Additional
Director, Consolidation of Holdings, Punjab, Chandigarh,
Consolidation Officer, Jalandhar, the Settlement Officer,
Consolidation of Holdings, Punjab and the Director, Consolidation,
Punjab, respectively.

The land, in dispute, is, admittedly, described in the

relevant jamabandi as “Shamilat Deh Hasab Paimana Mandraja Shijra Nasab”. The column of possession contains the following entries:- “Shamlat Patti Kazian Kassaian equal share cultivators, Masjid Ahle Islam, Patti Kassaian, Kazian, Mahb Alah cultivation Lehna s/o Nihal Gujjar Momin Sakin Deh Gair Morusi”.

The question that arises for adjudication is whether consolidation authorities are empowered to decide a question of title?

A dispute arose before consolidation authorities whether the land in dispute is “Shamilat Deh” within the meaning of Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”) or “wakf property” within the meaning of the Wakf Act, 1954. The consolidation authorities have held that the land does not vest to the Gram Panchayat as it is wakf property.

Counsel for the parties agree that consolidation authorities had no jurisdiction to decide whether the land in dispute is the ownership of the Gram Panchayat or the Wakf Board. This apart, a Full Bench of this Court in Ajit Singh versus Smt. Subhagan, AIR 1970 (Punjab & Haryana) 93, another Full Bench of this Court in Parkash Singh and others versus Joint Development Commissioner, Punjab and others, 2014 (2) RCR (Civil) 721 and the Supreme Court in Gram Panchayat of Nurpur versus State of Punjab and others, 1997(3) RCR (Civil) 47 and Gram Panchayat, Village Sidh versus Additional Director Consolidation of Holdings, Punjab 1997 (3) RCR (Civil) 491 have held that consolidation authorities have no jurisdiction to decide a question of title.

In view of the authoritative pronouncements of the Supreme Court of India, two Full Benches of this Court and agreement between counsel for the parties it is beyond doubt that consolidation authorities have no jurisdiction to decide a question of title.

The writ petition is, therefore, allowed, the impugned orders are set aside, leaving it to parties to choose their forum for getting the question of title determined in accordance with law. Parties are however, restrained from changing the nature of the land, in any manner, whatsoever.

(RAJIVE BHALLA)
JUDGE

(DARSHAN SINGH)
JUDGE

17.3.2015
VK