

In the High Court of Punjab and Haryana at Chandigarh

CWP No.11020 of 2003

Date of Decision: 16.2.2015

Chander Bhan and others

.....petitioners

versus

Commissioner Rohtak Divn.Rohtak and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr.Rajbir Sehrawat, Advocate,
for the petitioners

Mr.R.K.S.Brar, Addl.A.G.Haryana.

Mr.Harkesh Manuja, Advocate,
for respondent No.4-Gram Panchayat.

Raj Mohan Singh, J.

Brief facts of the case that according to jamabandi for the year 1941-42, the land was shown to be *shamlat deh hasab rasab khewat* and was shown in possession of Bujan as share-holder. Land was shown to be *barani and banjar kadim* and was shown assessed to land revenue as *mal sawai* in the relevant column. According to jamabandi for the year 1961-62, the land continued to be owned by *shamlat deh hasab rasab raqba*, whereas, in the column of cultivation, self cultivation of Munga, Jella and Bujan was shown. Land was shown to be *gair mumkin barani* and was assessed to land revenue. The land was clearly demarcated as *mujrooaa* and *gair mujrooaa* in the revenue record. According to

jamabandi for the year 1986-87, names of Munga and Jella were shown in column of cultivation and they were shown to be in possession on account of self cultivation of the land. Nature of the land was shown to be *nehri*. Predecessors of the petitioners filed suit under Section 13 of the Act for declaration of their title. The suit was decreed by the Assistant Collector, Ist Grade vide order dated 30.4.1999. However, in appeal the said order was reversed by the Collector vide order dated 8.1.2002, which was maintained by the Commissioner vide order dated 14.11.2002.

The controversy involved in this writ petition has been set at rest by way of a separate order passed today in CWP No. 7860 of 2003, titled as **Karma vs. Commissioner Rohtak Division, Rohtak and others**. For the reasons assigned in **Karma's case (supra)**, the instant writ petition is also allowed in same terms. Therefore, for orders see CWP No. 7860 of 2003.

(SURYA KANT)
JUDGE

(RAJ MOHAN SINGH)
JUDGE

February 16 , 2015

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