

In the High Court of Punjab and Haryana at Chandigarh

CWP No.11008 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 are that petitioners are the beneficiaries of Civil Court decree dated 10.2.1981 suffered by Satbir Singh and Balbir Singh sons of Chajju. According to jamabandi for the year 1941-42, the land was shown as *shamlat deh hasab rasab khewat*. Chajju was shown to be in possession to the extent of ½ share, whereas, Sardara and Rasala each were shown to be in possession of the remaining ½ share. Land was shown to be *banjar kadim* and was assessed to land revenue as *mal sawai* in the relevant column. In the jamabandi for the year 1961-62, *shamlat deh hasab rasab rakba* continued to be in column of ownership, whereas, the land was shown in self cultivating possession of one Dharmo, share holder. The nature of land was shown to be *gair*

mumkin barani and was shown assessed to land revenue as *mal sawai*. Land was clearly demarcated as *majrooaa barani gair majrooaa gair mumkin*. According to jamabandi for the year 1976-77, names of transferers of the petitioners were reflected in the column of cultivation i.e. self cultivating possession. Nature of land was shown to be *banjar thoor* and *chahi*. In the jamabandi for the year 1981-82, names of the petitioners appeared in the column of cultivation from their transferers on account of Civil Court decree and nature of land was shown to be *chahi*. Petitioners filed suit under Section 13 of the Act for declaration of their title, which was dismissed by the Assistant Collector, 1st Grade vide order dated 30.4.1999. The said order was upheld by the Collector and the Commissioner vide orders dated 8.1.2002 and 14.11.2002 respectively.

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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