

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

CWP-16184-2009

Date of decision: 14.10.2015

Sham Singh

..... Petitioners

versus

State of Punjab & others

..... Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Kanwaljit Singh, Sr. Advocate with

Ms. Gurdeep Kaur, Advocate for

for the petitioner.

Mr. V. Ramswaroop, Addl. A.G., Punjab.

Mr. Harsh Bunker, Advocate

for respondent No.5.

RAKESH KUMAR JAIN, J. (Oral)

The dispute is qua mutation of the land in question in favour of Nagar Council (respondent No.5). The petitioner's claim is that the land in dispute is 'Shamlat Thola', belonging to the proprietors.

On the last date of hearing, learned counsel for the petitioner had submitted that he would file an application under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (Applicable to the State of Punjab) (for short 'the Act') to prove his title over the property in question, whereas Mr. Harsh Bunker, learned counsel for respondent No.5 had submitted that the land in question is 'Gair Mumkin Choe' and the same has vested with the Nagar Council, Kurali, Tehsil

Kharar, District S.A.S. Nagar, Mohali.

Be that as it may, learned counsel for the petitioner has informed that the petitioner has filed a petition under Section 11 of the Act before the District Development and Panchayat Officer, Mohali whereas the competent authority to decide the said application is the ADC (Development), Mohali. It is submitted that this Court may direct DDPO, Mohali, who is seized of the application filed under Section 11 of the Act to send it to ADC (Development), Mohali or any other competent authority to decide the same in accordance with law.

In view of the facts and circumstances, the present petition is disposed of with a direction to the DDPO, Mohali to send the application, if any, filed by the petitioner to ADC (Development), Mohali or any other competent authority within a period of 15 days from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)

JUDGE

14.10.2015

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