

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.103 of 2015

Date of Decision: February 20, 2015

Kashmir Singh

.....Petitioner

versus

Director, Rural Development and Panchayats, Punjab
and others

.....Respondents

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

Present:Mr.N.P.S.Mann, Advocate, for the petitioner.

Mr.Aman Bahri, Additional AG, Punjab.

Mr.Baldev S.Sidhu, Adv., for respondent No.3.

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1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The eviction orders passed against the petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the 1961 Act') as well as dismissal of his appeal against that eviction order, are under challenge in the instant writ petition.

The only point of survival raised by the petitioner was that he had filed a civil suit for declaration that the subject land being jumla mustarka malkan did not vest in the Gram Panchayat and he was rightfully in its possession being a co-sharer in the village proprietary body. Though his civil suit was dismissed by the trial Court as well as the First Appellate Court, the plea taken before us was that his Regular Second Appeal is pending in this Court. It was in this backdrop that we stayed dispossession of the petitioner on 09.01.2015 subject to the

condition that he shall argue the pending appeal.

Learned counsel for respondent No.3-Gram Panchayat has now placed on record a copy of the judgment dated 27.01.2015 of the learned Single Judge whereby the petitioner's Regular Second Appeal No.3407 of 2010 has been dismissed by way of a self-speaking order.

In view of the finding given by the Civil Court which has been upheld by this Court that the petitioner is not a member of the village proprietary body, we are of the considered view that no effective relief can be granted to the petitioner in these proceedings. The writ petition is accordingly dismissed. However, if the petitioner has still got any remedy under Section 11 of the 1961 Act to seek a declaration, he shall be at liberty to avail such remedy in accordance with law.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 20, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE

203 CM No.2239 of 2015 in
CWP No.103 of 2015

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Kashmir Singh versus Director Rural Development and
Panchayat,
Punjab and others

Present : Mr.NPS Mann, Advocate,
for the non-applicant-petitioner.
Mr.Aman Bahri, Additional AG, Punjab.
Mr.Baldev S. Sidhu, Advocate,
for the applicant-respondent No.3.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and the
document (Annexure R-3/1) is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

February 20, 2015
Mohinder

(RAJ MOHAN SINGH)
JUDGE