

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.14245 of 2015
Date of Decision: December 04, 2015

Gurmeet Singh and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.S.S.Salar, Advocate, for the petitioners.
Mr.K.K.Gupta, Additional AG, Punjab.
Mr.Dinesh Ghai, Advocate, for respondent Nos.5 to 7.
Mr.Sukhvir Singh Tiwana, Advocate and
Mr.V.K.Sandhir, Advocate, for respondent No.8.

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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 petitioners are, on the pretext of challenging the mutation sanctioned on 21.07.1975, are in fact also questioning allotment of land made in favour of respondent Nos.5 to 7 on 07.11.1977. The allotment was made on the premise that the subject-property was 'evacuee property' as it was owned by the Muslim residents of the village who migrated to Pakistan at the time of partition. The petitioners' case is that the above-stated allotment is fraudulent as the land was recorded as 'shamlat deh' and was thus owned by the Gram Panchayat.

[2] The written statement filed by the officials as well as private-respondents reveal that the Gram Panchayat of

petitioners' village had earlier approached this Court in CWP No.1035 of 1976 (Gram Panchayat, Village Jahangirpur, Tehsil and District Ludhiana and others versus State of Punjab and others) questioning the action of the Rehabilitation Department whereby the ownership of land in favour of the Gram Panchayat was cancelled and it was declared to be owned by 'Rehabilitation Department'. A Coordinate Bench of this Court dismissed that writ petition on March 11, 1976, following earlier Division Bench decision reported as '1973 PLJ 398'.

[3] The party who was the direct beneficiary of subject-land, namely, the Gram Panchayat having lost its case before this Court in the year 1976, the petitioners, who are merely the residents of village, cannot be permitted to re-agitate the same issue and that too at such a belated stage without explaining the inordinate delay of almost three decades in filing the writ petition.

Dismissed.

[SURYA KANT]
JUDGE

December 04, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE