

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No.24018 of 2011

Date of Decision: 9<sup>th</sup> October,2015

Gram Panchayat Village Nagala, Tehsil Dera Bassi District SAS Nagar,  
Mohali.

..Petitioner

versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE RAJIVE BHALLA  
HON'BLE MR JUSTICE AMOL RATTAN SINGH

Present: Mr. Mansur Ali and Mr. H.S.Deol, Advocates, for the petitioner.  
Mr. P.S.Bajwa, Additional Advocate General, Punjab  
for respondent nos. 1 to 3.

Mr. Ashish Aggarwal, Senior Advocate  
with Ms. Neeti Gupta, Advocate, for  
respondent no.27.

RAJIVE BHALLA, J.

The Gram Panchayat of village Nagala, challenges order dated  
18.3.2011 passed by the Director, Rural Development and Panchayat,  
Punjab, and order dated 9.1.2007, passed by the Collector/Divisional  
Deputy Director, Rural Development and Panchayats, Patiala, holding that

the land in dispute does not vest in the Gram Panchayat.

The private respondents, filed a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the 1961 Act”) claiming that the land in dispute does not vest in the Gram Panchayat by pleading that the land is “Shamilat Deh Hasab Hissas Halsari Bar 28 plough (Hal)”, i.e., belongs to proprietors, in accordance with their share holdings and as they and before them their predecessors were in cultivating possession as per their share holdings, prior to 26.1.1950, the land in dispute is excluded from the “Shamilat Deh”. The private respondents also pleaded that mutation no.223, sanctioned during consolidation, on the basis of a letter addressed by a government officer, does not divest the proprietors of their ownership. The respondents also pleaded that during consolidation, the possession of the proprietors was acknowledged while preparing a list of old and new khasra numbers and possession of the land in dispute was allotted to the respective proprietors, in possession in accordance with their shareholding.

The Collector issued a notice. The Gram Panchayat put in appearance and while admitting that the private respondents are co-sharers/khewatdars of the village, denied that they had any rights in the disputed land. The Gram Panchayat pleaded that as the land is “shamilat deh”, the mutation has been sanctioned in favour of the Gram Panchayat and as the land had been leased out by the Gram Panchayat, it does not vest in the proprietors. The Gram Panchayat also pleaded that it has been

leasing out the land in dispute to its tenants, thereby proving that the land vests in the Gram Panchayat. The Collector, thereafter, called upon parties to lead evidence in support of their respective pleadings. The respondents filed an affidavit of Bakhshish Singh son of Atma Singh, who was cross-examined and thereafter produced copies of jamabandis for the years 1988-89, Ex.P3, 1983-84 Ex.P4, 1978-79, Ex.P5, 1973-74 Ex.P6, 1968-69 Ex.P7, EX.P25 to Ex.P51, Naqsha Hakdarwar, Ex.P26, Draft Scheme, Ex.P27, Ex.P28 and Ex.P29 showing the share of the respondents. In opposition, the Sarpanch filed his affidavit Ex.R2 and was cross-examined by counsel for the applicants-plaintiffs.

The Collector, after considering the pleadings and the evidence on record, allowed the application by recording a finding that the private respondents are recorded in cultivating possession as per their share holdings, prior to 26.1.1950. The land in dispute, therefore, does not vest in the Gram Panchayat. Aggrieved by this order, the Gram Panchayat filed an appeal. The Director, Department of Rural Development and Panchayats, Punjab, exercising the powers of Commissioner, under Section 11 of the 1961 Act, dismissed the appeal.

Counsel for the petitioner submits that findings recorded by the collector and the appellate authority are perverse, arbitrary and contrary to the record. The private respondents allege that the land in dispute was in

their cultivating possession, prior to 26.1.1950 and is, therefore, excluded

from the “shamilat deh” of the village. A perusal of the finding reveals that on the one hand, it has been held that the private respondents are in cultivating possession but on the other, it has been held that the land is “banjar qadim”, i.e., land that has remained fallow for eight or more harvests. The findings are, therefore, not only contradictory but also perverse. The finding that there is no evidence that land is used for common purposes, is also contrary to the record as the words “shamilat deh” denote the common land of a village. Another contradiction discernible from the order passed by the appellate authority is that the appellate authority has relied upon a report prepared by the Naib Tehsildar, dated 20.9.2007, that the private respondents are in cultivating possession since 1947-48. If the report is true, it contradicts the earlier finding that the land was “banjar qadim”. Counsel for the petitioner further submits that neither the Collector nor the appellate authority examined the revenue record, which clearly records that the land is “shamilat deh” and also disregarded the mutation sanctioned in favour of the Gram Panchayat, in the year 1955-56. The mutation has been wrongly discarded by holding that mutation cannot be sanctioned on the basis of a letter, issued by a government officer and that a mutation does not confer title. The mutation was sanctioned on the basis of a statutory declaration contained in the Punjab Village Common Lands (Regulation) Act, 1953 (hereinafter referred to as “the 1953 Act”) that the “shamilat deh” of a village shall, henceforth, vest in a Gram Panchayat.

Counsel for the petitioner further submits that a perusal of the jamabandi for the year 1951-52 reveals that the land in dispute is a “gair mumkin stream, “banjar qadim”, “gair mumkin canal”, “gair mumkin kabrishtan” and “gair mumkin seem nala” (a drain for release of water) and, therefore, vests in the Gram Panchayat. The Collector and the appellate authority have not bothered to examine the record or otherwise, they would have been able to discern that the land in dispute vests in the Gram Panchayat. Counsel for the petitioner also submits that a perusal of the documents, Annexure P-5, (coly) reveals that the land in dispute was leased out by the Gram Panchayat to the private respondents, who are, therefore, estopped from challenging the title of the Gram Panchayat, under Section 116 of the Evidence Act. A perusal of the evidence adduced by the private respondents reveals that they have failed to prove their cultivating possession of the land in dispute before 26.1.1950. The writ petition may, therefore, be allowed and the impugned orders may be set aside..

Counsel for the private respondents at the outset submits that they have never and do not claim ownership with regard to any land that is recorded as a stream, canal, kabristan, cremation grounds, path or used for other common purposes but only claim ownership of land that, as per relevant jamabandis, is recorded in cultivating possession of the private respondents as co-sharers and in accordance with their share holdings, prior to 26.1.1950. The private respondents are, admittedly, proprietors as is

apparent from the Naqsha Hakdarwar, Ex.P26, as exhibited before the Collector. The jamabandis for the years 1951-52, Ex.P25, 1956-57, Ex.P24 (also called a Missal Haqiat, i.e., the final jamabandi prepared after consolidation) and all other jamabandis, record the proprietors, i.e., the respondents or their predecessors, in cultivating possession of the land in dispute. The land is recorded as “barani”, that is cultivated land and the private respondents or their predecessors are recorded as co-sharers on payment of land revenue etc., thereby fulfilling the ingredients of Section 2(g)(viii) of the 1961 Act and excluding the land from “shamilat deh”.

Counsel for the respondents, however, concedes that findings recorded by Collector as well as appellate authority that the land was “banjar qadim” are incorrect as the authorities have confused the land in dispute with “banjar qadim” land reserved for common purposes. The respondents do not claim ownership with respect to any land used or reserved for common purposes. Counsel for the respondents also concedes that the finding that mutation could not be sanctioned on the basis of a letter is incorrect as the “shamilat deh” of a village came to vest in a Gram Panchayat under the 1953 Act but asserts that after repeal of the 1953 and enactment of the 1961 Act, only that part of the “shamilat deh” would vest in the Gram Panchayat as is included in “shamilat deh” as defined by Section 2(g)(1) to (5) of the 1961 Act but land that fulfils ingredients of Section 2(g)(i) to (ix) would be excluded from shamilat deh”. Section 2(g)(viii) of the

1961 Act provides that “shamilat deh”, in cultivating possession of proprietors, in accordance with their shareholdings, on payment of land revenue, prior to 26.1.1950, would be excluded from “shamilat deh”. The private respondents have proved that the land in dispute was in their ‘cultivating possession’ before 28.1.1950. The Gram Panchayat is unable to produce any document to the contrary or rebut the presumption of truth attached to entries in the jamabandi.

We have heard counsel for the parties, perused the impugned orders as well as the record.

The question that calls for an answer is whether the land, in dispute, admittedly, recorded as “Shamilat Deh Hasab Hissas Halsari Bar 28 plough (Hal)”, is included in or excluded from the “shamilat deh” of the village?

Before answering the question posed, it would be appropriate to, briefly, refer to rights in “shamilat deh”, prior to, and after the enactment of the 1953 and the 1961 Acts and then briefly set out the nature of vesting of “shamilat deh” of a village in a Gram Panchayat.

The “shamilat deh” of a village, i.e., the common land, was kept apart by proprietors of a village and was jointly owned and possessed by proprietors, in accordance with their shareholdings and depending upon clauses in the “Sharat Wazib-UI-Arz” (the village administration paper) and

the nature of the land, a proprietor could sell, mortgage, partition, lease,

cultivate etc. his share holdings in the “shamilat deh”, even though jointly owned by all the proprietors. The proprietors were, therefore, absolute owners of the “shamilat deh” of the village in accordance with their share holdings and could deal with the land as owners, except to the extent, prohibited by the “Sharat Wazib-Ul-Arz” of a village. A proprietor could seek partition of the “shamilat deh” and could even sell his shareholding. A proprietor could personally cultivate his share or lease it out without objection from other proprietors.

The State of Punjab enacted the 1953 Act to provide that the “shamilat deh” of a village, except to a limited extent, shall vest in a Gram Panchayat, thereby bringing to an end any rights, title or interest that proprietors had in the “shamilat deh” of a village. The 1953 Act was repealed and re-enacted as the 1961 Act, which by section 2(g) provides a detailed definition of the word “shamilat Deh”. Section 2(g) of the 1961 Act contains clauses that exclude and include such land from “shamilat deh” as defined under the 1961 Act. Section 2(g) of the 1961 Act reads as follows:-

**2 (g) “Shamilat deh” includes--**

*(1) Lands described in the revenue records as  
Shamilat deh or Charand excluding abadi deh”*

(2) shamilat tikkas;

(3) lands described in the revenue records as shamilat, Tarafs, Pattis, Pannas and Tholas and used according to revenue records for the benefit of the village community or a part thereof or for common purposes of the village;

(4) lands used or reserved for the benefit of the village community including streets, lanes, playgrounds, school, drinking wells, or ponds within abadi deh or gorah deh; and

(5) lands in any village described as banjar qadim and used for common purposes of the village, according to revenue records;

but does not include-

(i) [.....]

(ii) has been allotted on quasi-permanent basis to a displaced person;

(ii-a) was shamilat deh, but, has been allotted on quasi-permanent basis to a displaced person, or, has been otherwise transferred to any person by sale or by any other manner whatsoever after the commencement of this Act, but on or before the 9<sup>th</sup> day of July, 1985.

(iii) has been partitioned and brought under cultivation by individual landholders before the 26<sup>th</sup> January, 1950.”

(iv) having been acquired before the 26<sup>th</sup> January, 1950, by a person by purchase or in exchange for proprietary land from a co-sharer in the shamilat deh and is so recorded in the jamabandi or is supported by a valid deed; [and is not in excess of the share of the co-sharer in the shamilat deh.

(v) is described in the revenue records as Shamilat, Taraf, Pattis, Pannas, and Thola and not used; according to revenue records for the benefit of the

village community or a part thereof or for common purposes of the village.

(vi) lies outside the abadi deh and was being used as gitwar, bara, manure pit, house or for cottage industry, immediately before the commencement of this Act];

(vii) [.....]

(viii) was *Shamilat Deh* was assessed to land revenue and has been in the individual cultivating possession of co-sharers not being in excess of their respective shares in such shamilat deh on or before the 26<sup>th</sup> January, 1950.

[(ix) was being used as a place of worship or for purposes, subservient thereto, immediately before the commencement of this Act;]”

Section 2(g)(1) to (5) provide the circumstances in which shamilat land shall be included in “shamilat deh”, whereas Section 2(g)(i) to (ix) provide for circumstances in which it shall be excluded; but for the purpose of the present controversy we are concerned with Section 2(g)(viii) of the 1961 Act as the private respondents allege that they were

in cultivating possession of the land in dispute, prior to 26.1.1950, thereby excluding the land in dispute from the “shamilat deh” of a village.

Reverting to the present controversy, the private respondents allege that the land in dispute is excluded from the “shamilat deh” of a village by section 2(g)(viii) of the Act as it was in their ‘cultivating possession’ before 26.1.1950 as proprietors, in accordance with their share holdings and on payment of land revenue, (the ingredients of Section 2(g)(viii)). The Collector as well as the Appellate Authority have, apart from recording findings which even counsel for the private respondents has conceded, are incorrect, have held that as the land in dispute was in cultivating possession of the proprietors, prior to 26.1.1950, it is excluded from the shamilat deh of a village.

A perusal of the jamabandi for the year 1951-52, Ex.P25, which reflects the position five years preceding 26.1.1950, appended with the writ petition and the reply, reveals that the land in dispute is recorded as “Shamilat Deh Hasab Hissas Halsari Bar 28 plough (Hal)”, thus leaving no doubt that the land was “shamilat deh”. A part of the land is “gair mumkin nadi” (stream), “banjar qadim”, “gair mumkin canal”, a “grave yard”, “sem nala”, etc. Counsel for the private respondents has made a statement that they do not and have never claimed any right, title or interest in any land that is recorded as gair mumkin: ‘canal’, river, drain, gair mumkin, grave-yard etc. but only claim title with respect to the land which is recorded in

cultivating possession of proprietors, prior to 26.1.1950. A perusal of the jamabandi also reveals that a large part of the land is recorded as “nehri” and “barani”, i.e., cultivated land in possession of proprietors and on payment of land revenue.

The first question is whether the private respondents, de hors any admission made by the Gram Panchayat, have proved their share holdings?

The private respondents have produced the Naqsha Hakdarwar, Ex.P26, that records their share holdings as proprietors in the “shamilat deh” of the village, thereby satisfying the first ingredient. The second ingredient is “cultivating possession”, prior to 26.1.1950, i.e., land must be in ‘cultivation’ and the third ingredient that it should not be beyond their shareholding. A perusal of the post consolidation jamabandi i.e., (the missal haqiat), namely, jamabandi for the year 1955-56, reveals that it records that the land is “shamilat deh” Hasab Hissas Halsari Bar 28 plough (Hal)”. The new khasra numbers are recorded in cultivating possession of proprietors who were allotted this land on account of their existing possession. To illustrate the prior possession of proprietors. It would be necessary to reproduce a relevant extract from jamabandi for the year 1951-52, which reads as follows:- (the land that is recorded as drains, streams cremation grounds, which is, concededly not claimed by the respondents, is not being reproduced).

| 1                        | 2             | 3                                                                         | 4                                  | 5                                                                                                                                       | 6                                              | 7                                                                           | 8                                                      | 9                                                                    | 10                                            | 11                                       | 12                                                              | 13      |
|--------------------------|---------------|---------------------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------------|------------------------------------------|-----------------------------------------------------------------|---------|
| Khewat or jama bandi no. | Khata uni no. | Name of Tarf or Patti along with the name of Nambardar and amount of rent | Name of the owner with description | Name of the cultivator with description                                                                                                 | Well or names of the other means of irrigation | Khasra or Muraba No. and killa no.                                          | Area and account of each field along with kind of land | Rent paid by the tenant with details of rate and amount              | Share or scale of Haqiqat and method of Bachh | Demand with detail or revenue and cesses | Remaining due rent which has not been paid till the end of year | Remarks |
| 40                       | 111           |                                                                           |                                    | M.Gabbo, s/o. Waryam Singh shareholders through Amar Singh son of Ram Singh Saini, Gair marusi                                          | Cool Choa-Stream                               | 420 G.M..5<br><u>03-13</u><br><br><u>1302</u><br><br><u>1263</u><br><br>921 | 0-19 Nehri                                             | Hasab Parta Deh (According to the parat of the village without rent. |                                               |                                          |                                                                 |         |
|                          | 112           |                                                                           |                                    | M Gabbo shareholder Garina, Dia Singh son of Jodha Singh Saini, mortgagee without share shamlat cultivated by mortgagee<br><br>Total of | Cool Choa-stream                               | 1300/9<br>10                                                                | 1-5 Nehri<br><br>—<br><br><u>2/11</u>                  | Hasab Parta Deh 1=                                                   |                                               |                                          |                                                                 |         |

KUMAR VIRENDER  
2015.10.30 15:35  
I attest to the accuracy and  
authenticity of this docunt  
High Court Chandigarh

|  |     |  |  |                                                |                |                         |                |                 |  |  |                                                                                            |  |
|--|-----|--|--|------------------------------------------------|----------------|-------------------------|----------------|-----------------|--|--|--------------------------------------------------------------------------------------------|--|
|  |     |  |  | Dia Singh<br>shareholder<br>self<br>Cultivator | Cool<br>stream | 1303/1<br>263           | 0-17<br>Nehri  | Without<br>rent |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 1301/9<br>10            | 1-4<br>Nehri   |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                |                         | 0-2            |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 1365/9<br>11            | Barani         |                 |  |  |                                                                                            |  |
|  | 115 |  |  |                                                |                |                         |                |                 |  |  |                                                                                            |  |
|  |     |  |  | Jiwan<br>Singh etc.<br>shareholder<br>Through  |                | 1979/1<br>328/29<br>7   | 2-1<br>Barani  |                 |  |  | Acc<br>ordi<br>ng<br>to<br>the<br>orde<br>r dt.<br>5 <sup>th</sup><br>May<br>,<br>194<br>0 |  |
|  |     |  |  |                                                |                | 1679/1<br>628           | 25-6<br>Barani |                 |  |  | Part<br>a is<br>equa<br>l to<br>dou<br>ble<br>land<br>mea<br>suri<br>ng<br>4-2<br>cam<br>e |  |
|  |     |  |  |                                                |                |                         | 4-0<br>Nehri   |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 1292/7<br>65 and<br>805 | 2-8<br>Nehri   |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                |                         | 0-15           |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 1259/9<br>25-926        | Nehri<br>0-16  |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 804                     | Barani<br>1/3  |                 |  |  |                                                                                            |  |
|  |     |  |  |                                                |                | 1238/2<br>03            | Barani<br>0-9  |                 |  |  |                                                                                            |  |
|  | 116 |  |  |                                                |                |                         | Barani         |                 |  |  |                                                                                            |  |

|  |     |  |  |                                                               |  |                                                   |                                                                                                                                        |  |  |  |                                                |  |
|--|-----|--|--|---------------------------------------------------------------|--|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--|--|--|------------------------------------------------|--|
|  |     |  |  |                                                               |  | 1272/9<br>80 and<br>926<br><br>923<br><br>Kitte 2 | 36-18<br><br>7-3<br>Nehri<br>29-15<br><br>Barani                                                                                       |  |  |  | into<br>exist<br>ence<br>after<br>leav<br>ing. |  |
|  | 117 |  |  | Dia Singh<br>son of<br>Jodh<br>Singh<br>Saini, Gair<br>Marusi |  | 923-<br>1259/9<br>25-926<br><br><br>Kite-2        | 0-5<br>Barani<br><br>1-0<br>Nehri<br><br>1/5<br><br>1-<br>Nehri<br><br>0-5<br><br>Barani                                               |  |  |  |                                                |  |
|  | 118 |  |  | Matu son<br>of Udhmi<br>Gujjar Gair<br>Marusi                 |  | 1292/7<br>65-805                                  | 1/4<br>Nehri<br>At the<br>rate of<br>Khata<br>No.:<br><u>As</u><br><br>1-11<br><br>Barani<br><br>1/4<br>Nehri<br><br>1-5<br><br>Barani |  |  |  |                                                |  |



|  |     |  |  |                                                                                                                                                                       |  |                                                                    |                                                                                                             |  |  |  |                                                                                                                |  |
|--|-----|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--|--|--|----------------------------------------------------------------------------------------------------------------|--|
|  |     |  |  | Mijan<br>Jiwan<br>Singh etc.<br>Sharehold<br>er                                                                                                                       |  | Kite-15                                                            | Nehri<br>11/11<br>Barani<br><br>31-16                                                                       |  |  |  | l to dou<br>ble<br>land mea<br>suri<br>ng<br>4-2<br>cam<br>e<br>into<br>exist<br>ence<br>after<br>leav<br>ing. |  |
|  | 119 |  |  | M. Parwati<br>shareholde<br>r through<br>Bakhshish<br>and<br>Sarwan<br>sons of<br>Atma and<br>Ishar,<br>Moola, in<br>equal<br><br>share Gair<br>Marusian<br>resident- |  | 909<br><br>1265/9<br>26<br><br>1272/9<br>26<br><br>—————<br>Kite-3 | 1/10<br>Barani<br>0/10<br>Barani<br>0-17<br><u>Barani</u><br><br>2-17<br>Barani<br><br>1-0<br><u>Barani</u> |  |  |  |                                                                                                                |  |
|  | 120 |  |  | Bakhshish<br>and<br>Sarwan<br>and Mansa<br>Ram in<br>equal<br>share self                                                                                              |  | /1328/2<br>97/137<br>9<br><br>1379/1<br>328/29<br>7                | 6-4<br>Barani<br><br>0-14<br>Barani                                                                         |  |  |  |                                                                                                                |  |

|  |     |  |  |                                  |  |              |                                                   |  |  |  |  |  |
|--|-----|--|--|----------------------------------|--|--------------|---------------------------------------------------|--|--|--|--|--|
|  |     |  |  | cultivator                       |  | 132/29<br>7  | 1-3<br>Nehri                                      |  |  |  |  |  |
|  |     |  |  |                                  |  | 895          | 1-3<br>Barani                                     |  |  |  |  |  |
|  |     |  |  |                                  |  | 909          | 1/6<br>Barani                                     |  |  |  |  |  |
|  |     |  |  |                                  |  | 924          | 2/2<br>Nehri                                      |  |  |  |  |  |
|  |     |  |  |                                  |  | 1257/9<br>26 | 2/2<br>Barani                                     |  |  |  |  |  |
|  |     |  |  |                                  |  | 1260/9<br>26 | 0-6<br>Barani                                     |  |  |  |  |  |
|  |     |  |  |                                  |  | 1272/9<br>26 | 1-5<br>Nehri                                      |  |  |  |  |  |
|  |     |  |  |                                  |  | -----        | 16-5                                              |  |  |  |  |  |
|  |     |  |  |                                  |  | Kite-10      | Nehri                                             |  |  |  |  |  |
|  |     |  |  |                                  |  |              | 3-10<br>Barani<br>-12-15                          |  |  |  |  |  |
|  | 121 |  |  | Ram<br>Sharan<br>shareholde<br>r |  | 1288/7<br>47 | 0-5<br>Gair<br>Mumk<br>in<br>Canal<br>0-3<br>Gair |  |  |  |  |  |

|  |     |  |  |                                                                                                                                                |  |                       |                                                         |  |  |  |  |  |
|--|-----|--|--|------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------|---------------------------------------------------------|--|--|--|--|--|
|  |     |  |  | Makbooja                                                                                                                                       |  | 749                   | Mumk<br>in<br>Canal                                     |  |  |  |  |  |
|  |     |  |  |                                                                                                                                                |  | Kite-2                | 0-8<br>G.M.<br>River                                    |  |  |  |  |  |
|  |     |  |  | Ram<br>Sharan<br>sharehold<br>er 4 <sup>th</sup><br>share<br>inhabitant<br>s Arjan<br>Singh son<br>of Puran<br>1 share<br>Jati son<br>of Rulia |  | 1379/1<br>328/29<br>7 | 2-5<br>Barani<br>1-1                                    |  |  |  |  |  |
|  |     |  |  |                                                                                                                                                |  | 1364/8<br>09          | Barani                                                  |  |  |  |  |  |
|  |     |  |  |                                                                                                                                                |  | 1067                  | 2-5<br>Barani<br>1-6<br>G.M.0<br>-19 0-<br>14<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                                                                                                                |  | 1080                  |                                                         |  |  |  |  |  |
|  |     |  |  | Kahar<br>Sakanan<br>inhabitant<br>s 1 share<br>Jointly                                                                                         |  | Kite-4                | -----<br>6-5<br>0-19<br>G.M.<br>5-6<br>Barani           |  |  |  |  |  |
|  |     |  |  | Total of<br>Ram<br>Sharan<br>share<br>holder                                                                                                   |  | Kite-6                | 6-13<br>Barani<br>5-6<br>G.M.1<br>-7                    |  |  |  |  |  |
|  | 122 |  |  |                                                                                                                                                |  |                       |                                                         |  |  |  |  |  |

|  |     |  |  |                                                                          |  |                                                                                                                                            |                                                                                                         |  |  |  |  |  |
|--|-----|--|--|--------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--|--|--|--|--|
|  | 123 |  |  | Hazara and Hazoora in equal share half and half owners are in possession |  | 1289/7<br>47                                                                                                                               | 0-6<br>G.M.R<br>iver                                                                                    |  |  |  |  |  |
|  | 124 |  |  | Self Cultivator Hazara and others share holders                          |  | 1379/1<br>328/29<br>7<br><br>1379/1<br>328/29<br>7<br><br>896<br><br>1363/1<br>293/80<br>9/<br><br>1363/9<br>13<br><br>-----<br><br>Kite 5 | 2-5<br>Barani<br><br>0-14"<br><br>0-13<br><br><br>1-1<br><br>1-3<br><br><br>-----<br><br>5-16<br>Barani |  |  |  |  |  |
|  | 125 |  |  | Total Hazara and others share holders                                    |  | Kite 6                                                                                                                                     | 6-2<br><br>Barani<br>5-16<br>G.M.<br>0-6                                                                |  |  |  |  |  |

[illegible]

|  |     |  |  |                                                                                                                           |  |                                                                              |                                                                                    |  |  |  |  |  |
|--|-----|--|--|---------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--|--|--|--|--|
|  |     |  |  | Ram<br>Saran<br>according<br>to Khata<br>No.39<br>self<br>cultivator<br>by<br>Hazara<br>and<br>others<br>share<br>holders |  | 1270/9<br>26<br>1655/2<br>97<br>902<br>1264/2<br>28<br>1227/8<br>80<br>----- | 1-6<br>Barani<br>4-1<br>Barani<br>2-10<br>Barani<br>1-1<br>Barani<br>0-9<br>Barani |  |  |  |  |  |
|  |     |  |  | -----<br>Total of<br>Ram<br>Sharan<br>and<br>others<br>share<br>holders                                                   |  | Kite-5<br>-----<br><br>-----<br><br>Kite-9                                   | 9-7<br>Barani<br><br>-----<br><br>18-9<br>Barani                                   |  |  |  |  |  |
|  | 127 |  |  |                                                                                                                           |  |                                                                              |                                                                                    |  |  |  |  |  |

|  |     |  |  |                                                    |  |                       |                |  |  |  |  |  |
|--|-----|--|--|----------------------------------------------------|--|-----------------------|----------------|--|--|--|--|--|
|  |     |  |  | Pritam<br>Singh and<br>Jaithu<br>share<br>holders  |  | 1379/92<br>8/297      | 1-11<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1379/13<br>28/297     | 1-16<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1317/29<br>7          | 0-11<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1377/13<br>28/297/    |                |  |  |  |  |  |
|  |     |  |  |                                                    |  | 907                   | 0-2<br>Barani  |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1147/91<br>2          |                |  |  |  |  |  |
|  |     |  |  |                                                    |  | 917                   | 1-14<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1680/12<br>69/926     | 0-12<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1381/12<br>69/926     | 1-10<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  |                       | 1-11<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  | Kite-9                | 10-7<br>Barani |  |  |  |  |  |
|  | 128 |  |  |                                                    |  |                       |                |  |  |  |  |  |
|  |     |  |  | Self<br>cultivator<br>by Nagota<br>share<br>holder |  | 1627/2<br>97          | 4-6<br>Barani  |  |  |  |  |  |
|  |     |  |  |                                                    |  | 1679/1<br>328/29<br>7 | 0-13<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                    |  |                       | 2-11<br>Barani |  |  |  |  |  |
|  | 129 |  |  |                                                    |  |                       |                |  |  |  |  |  |

|  |     |  |  |                                                              |  |                       |                 |  |  |  |  |
|--|-----|--|--|--------------------------------------------------------------|--|-----------------------|-----------------|--|--|--|--|
|  |     |  |  |                                                              |  | 1379/1<br>328/29<br>7 | 2-4<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 882                   | 1-8<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 897                   | 0-19<br>Barani  |  |  |  |  |
|  |     |  |  |                                                              |  | 816                   | 0-12<br>Nehri   |  |  |  |  |
|  |     |  |  |                                                              |  | 1256/9<br>26          | -----<br>Kite-7 |  |  |  |  |
|  |     |  |  |                                                              |  |                       | 12-10           |  |  |  |  |
|  |     |  |  |                                                              |  |                       | Nehri<br>0-12   |  |  |  |  |
|  |     |  |  |                                                              |  |                       | Brani<br>11-18  |  |  |  |  |
|  |     |  |  | Sawan<br>and Phagu<br>in equal<br>shares,<br>share<br>holder |  | 1316/2<br>97          | 0-16<br>Barani  |  |  |  |  |
|  |     |  |  |                                                              |  | 1379/1<br>328/29<br>7 | 2-3<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 1379/1<br>328/29<br>7 | 6-2<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 1378/1<br>328/29<br>7 | 0-1<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 883                   | 2-4<br>Barani   |  |  |  |  |
|  |     |  |  |                                                              |  | 1252/926              | 1-7<br>Nehri    |  |  |  |  |
|  |     |  |  |                                                              |  | 1353/929<br>968       | 1-9<br>Nehri    |  |  |  |  |
|  |     |  |  |                                                              |  | -----                 | 0-8<br>Barani   |  |  |  |  |
|  | 130 |  |  |                                                              |  |                       |                 |  |  |  |  |

|    |     |                                                       |                                   |                                                                                                                              |  |                                                                         |                                                                                                                    |                                                                             |  |  |  |
|----|-----|-------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--|--|--|
|    |     |                                                       |                                   |                                                                                                                              |  | Kite-8                                                                  | 11-7<br>Nehri<br>2-16<br>Barani<br>8-14                                                                            |                                                                             |  |  |  |
| 40 | 131 | Shams<br>her<br>Singh<br>Namb<br>ardar<br>Majko<br>or | Sham<br>lat<br>Deh<br>Majk<br>oor | Dharm<br>Share<br>holder<br>through<br>gair<br>marausi<br>Cultivator<br>Khewat<br>no.                                        |  | 906<br>1246/912<br>1261/926<br>1068<br>1078<br>1379/132<br>8<br>kitte 6 | 1/18<br>Barani<br>/14<br>Barani<br>2/19<br>Barani<br>/2<br>Barani<br>/3<br>Barani<br>2/4<br>Barani<br>8/<br>Barani | Hasab<br>Parta<br>Deh<br>51-/111<br>Batai<br>Gala<br>Nisfi<br>measuri<br>ng |  |  |  |
|    | 132 |                                                       |                                   | Daya<br>Singh<br>share<br>holder<br>Nisf,<br>PremSin<br>gh Nisf,<br>self<br>cultivati<br>on Daya<br>Singh<br>share<br>holder |  | 1323/297                                                                | 2/16<br>Barani                                                                                                     | Hasab<br>Parta<br>Deh<br>101                                                |  |  |  |
|    | 133 |                                                       | Shar<br>e<br>hold                 |                                                                                                                              |  | 1323/297                                                                | 2/16<br>Barani                                                                                                     | Batai<br>Bashra<br>has                                                      |  |  |  |

|    |     |  |                                                                                                 |                                                                            |         |                                           |                                                                                            |                                 |  |  |  |  |
|----|-----|--|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|-------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------|--|--|--|--|
|    |     |  | er<br>culti<br>vati<br>on<br>Dha<br>ram<br>Sing<br>h<br>c/o<br>Gop<br>al<br>Gair<br>Mar<br>ausi |                                                                            |         |                                           |                                                                                            | per<br>khewat                   |  |  |  |  |
|    |     |  | Miz<br>an<br>Day<br>a<br>Sing<br>h<br>etc.<br>shar<br>e<br>hold<br>er                           |                                                                            | Kitte 2 | 5/12<br>Barani                            |                                                                                            |                                 |  |  |  |  |
| 40 | 134 |  | Sha<br>mlat<br>Deh<br>Maj<br>koo                                                                | Self<br>cultivati<br>on<br>Shamshe<br>r Singh<br>share<br>holder<br>mazkoo |         | 1342/881<br>1267/880<br>& 926<br><br>kite | 1/3<br>Barani<br>/9<br>Barni<br><br>10/9<br><br>Nehri<br><br>/15<br><br>Barani<br><br>9/14 |                                 |  |  |  |  |
|    | 135 |  |                                                                                                 | Self<br>cultivati<br>on Prem<br>Singh,<br>Talok                            |         | 168/297<br><br>1319/297                   | 1/<br>Barani                                                                               | Hasab<br>Parta<br>Deh<br>611/11 |  |  |  |  |

|  |     |  |  |                                                                   |               |                   |                |  |  |  |  |  |
|--|-----|--|--|-------------------------------------------------------------------|---------------|-------------------|----------------|--|--|--|--|--|
|  |     |  |  | Singh &<br>Joginder<br>Singh in<br>equal<br>share as<br>per share |               | 1376/132<br>8     | /15 “          |  |  |  |  |  |
|  |     |  |  |                                                                   |               | 1379/132<br>8/297 | /8”            |  |  |  |  |  |
|  |     |  |  |                                                                   |               | 1299/900          |                |  |  |  |  |  |
|  |     |  |  |                                                                   |               | 1266/903          |                |  |  |  |  |  |
|  |     |  |  |                                                                   |               |                   | 6/11<br>Barani |  |  |  |  |  |
|  |     |  |  |                                                                   |               | 920               | 1/12<br>Nehri  |  |  |  |  |  |
|  |     |  |  |                                                                   | Total<br>area | 1258/926          | /15<br>Nehri   |  |  |  |  |  |
|  |     |  |  |                                                                   |               |                   | /5<br>Nehri    |  |  |  |  |  |
|  |     |  |  |                                                                   |               |                   | ½<br>Barani    |  |  |  |  |  |
|  | 136 |  |  | Self<br>cultivati<br>on Amar<br>Singh<br>share<br>holder          |               | 1228/926          | /11<br>Nehri   |  |  |  |  |  |
|  |     |  |  |                                                                   |               | 1267/926<br>& 980 | /9<br>Nehri    |  |  |  |  |  |
|  |     |  |  |                                                                   |               | Kitte 10          |                |  |  |  |  |  |
|  |     |  |  |                                                                   |               |                   | 16/8           |  |  |  |  |  |

|    |     |                                                               |                                    |                                                   |                      |                                                                                                                              |                                                                                                                        |  |  |  |  |
|----|-----|---------------------------------------------------------------|------------------------------------|---------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
|    |     |                                                               |                                    |                                                   |                      | Nehri<br>2/12<br><br>1318/297<br><br>1319/297<br><br>1379/132<br>8/297<br><br>1374/1<br>328/29<br>7<br><br>Total<br>1299/900 | Barani<br>10/16<br><br>/18<br>Barani<br><br>/16<br>Barani<br><br>6/<br>Barani<br><br>1/5<br>Barani<br><br>/11<br>Nehri |  |  |  |  |
| 60 | 137 | Sham<br>sher<br>Sing<br>h<br>Nam<br>barda<br>r<br>Mazk<br>oor | Sha<br>nlat<br>Deh<br>Maz<br>kooor | Self<br>cultivati<br>on Amar<br>Singh<br>Mazkooor | Total<br>Charan<br>d | 1236/903<br><br>1249/912<br><br>1254/926<br><br>1286/926<br><br>1267/880<br>/926                                             | /16<br>Nehri<br><br>/10<br>Barani<br><br>1/3<br>Barni<br><br>/11<br>Barani<br><br>/13<br>Barani                        |  |  |  |  |

|  |                                  |  |  |                                                                                                                                                                                            |  |                                                               |                                                                        |                                |  |  |  |  |
|--|----------------------------------|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------|--|--|--|--|
|  |                                  |  |  |                                                                                                                                                                                            |  | Kitte 10                                                      | 12/3<br>Nehri<br>1/7<br>Barani<br>10/16                                |                                |  |  |  |  |
|  | -----<br>138<br><br>-----<br>139 |  |  | -----<br>Ranjit<br>Singh<br>share<br>holder<br><br>-----<br>Ranjit<br>Singh<br>share<br>holder 3<br>share<br>cultivati<br>on Ronki<br>s/o Baru<br>Teli<br>Teli 1<br>share<br>Jagiru<br>s/o |  | 1305/104<br>2<br>-----<br><br>1373/132<br>8/297               | 0-10<br>Bag<br>Barani<br><br>-----<br><br>/18<br>Barani                | Hasab<br>parta<br>Deh<br>127/1 |  |  |  |  |
|  |                                  |  |  | Teli 1<br>share<br>Jagiru<br>s/o Faju<br>Teli 1<br>share,<br>share<br>holder                                                                                                               |  | 1379/132<br>8<br>1320/297<br>1321/297<br>1298/899<br>1248/912 | 3/3<br>/17<br>Barani<br>1/9<br>Barani<br>1/18<br>Nehri<br>/12<br>Nehri |                                |  |  |  |  |

|    |     |                                                               |                                                                                                                                      |  |                                                                                                     |                                                                                                                        |                                                                                                        |  |  |  |  |                                                                                                                                    |
|----|-----|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--|--|--|--|------------------------------------------------------------------------------------------------------------------------------------|
|    |     |                                                               |                                                                                                                                      |  |                                                                                                     | 918<br>1239/908<br>1267/880<br>& 926<br>1145<br>Kitte 10                                                               | 1/<br>Nehri<br>2/2<br>Nehri<br>/10<br>Barani<br>/8<br>Nehri<br>12/17<br>Nehri<br>4/8<br>Barani<br>13/9 |  |  |  |  |                                                                                                                                    |
| 40 | 140 | Sham<br>sher<br>Sing<br>h<br>Nam<br>barda<br>r<br>Mazk<br>oor | Miz<br>an<br>Ranj<br>it<br>Sing<br>h<br>shar<br>e<br>hold<br>er<br><br>_____<br><br>Day<br>a<br>Sing<br>h<br>shar<br>e<br>hold<br>er |  | Kitte<br>11<br>Bag<br>Barani<br>/10<br><br>_____<br>1313/297<br>1308/124<br>4<br><br>901<br><br>915 | 13/7<br>Nehri<br>4/8<br>Barani<br>8/9<br><br>_____<br>1-2<br>Barani<br>0-3<br>Barani<br>2-5<br>Barani<br>1-0<br>Barani |                                                                                                        |  |  |  |  | As<br>per<br>ord<br>er<br>5<br>Ma<br>rch<br>19<br>40<br>par<br>ta<br>tw<br>o<br>cop<br>ies<br>Ar<br>aji<br>est<br>abl<br>ish<br>ed |

|  |     |                                                                      |                             |  |                   |                 |                                  |  |  |  |  |                                                                                                                                            |
|--|-----|----------------------------------------------------------------------|-----------------------------|--|-------------------|-----------------|----------------------------------|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------|
|  |     |                                                                      | self<br>culti<br>vati<br>on |  | 1251/926          | 2-1<br>Barani   |                                  |  |  |  |  | As<br>pe<br>r<br>or<br>de<br>r 9<br>jul<br>y<br>19<br>39<br>pa<br>rta<br>tw<br>o<br>co<br>pie<br>s<br>Ar<br>aji<br>est<br>abl<br>ish<br>ed |
|  |     |                                                                      |                             |  | 1379/132<br>8/297 | 2-0<br>Barani   |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  |                   | 5-5             |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | 1379/132<br>8/297 | Barani          |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | 1379/132<br>8/297 | 2-3<br>Barani   |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | _____             | 15-19<br>Barani |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | kitte 8           |                 |                                  |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | _____             |                 |                                  |  |  |  |  |                                                                                                                                            |
|  | 141 | Udha<br>Sing<br>h<br>share<br>holde<br>r self<br>culti<br>vati<br>on |                             |  | 1379/132<br>8/297 |                 | Hasab<br>Parta<br>Deh 6-<br>/111 |  |  |  |  |                                                                                                                                            |
|  |     |                                                                      |                             |  | 1379/132<br>8     |                 |                                  |  |  |  |  |                                                                                                                                            |

|    |     |                                                               |                                    |                                                                                                              |                  |                |               |  |  |  |                                                                             |
|----|-----|---------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------|----------------|---------------|--|--|--|-----------------------------------------------------------------------------|
|    |     |                                                               |                                    |                                                                                                              | /297             | 2-1<br>Barani  |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1379/1328        | 1-16<br>Barani |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1267/880<br>&926 | 0-9<br>Barani  |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1314/297         | 0-11<br>Barani |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1262/926         | 2-5<br>Barani  |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1237/903         |                |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | 1240/908         | 0-15<br>Barani |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | ————             | 2-5<br>Barani  |               |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              | Kitte 7          | 10-9<br>Barani |               |  |  |  |                                                                             |
| 40 | 142 | Sham<br>sher<br>Sing<br>h<br>Nam<br>barda<br>r<br>Mazk<br>oor | Sha<br>mlat<br>Deh<br>Maz<br>kooor | Bakhshish<br>h Singh<br>Sarwan<br>Singh<br>s/o Atma<br>&<br>Munsha<br>in equal<br>share<br>Ranjit<br>Singh & |                  | 1426/106<br>2  | 4-1<br>Barani |  |  |  | As<br>pe<br>r<br>or<br>de<br>r 8<br>Au<br>gu<br>st<br>43<br>Pa<br>rta<br>tw |
|    |     |                                                               |                                    |                                                                                                              |                  |                | 0-19          |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              |                  |                | 0-9           |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              |                  |                | 0-13          |  |  |  |                                                                             |
|    |     |                                                               |                                    |                                                                                                              |                  |                | 0-4           |  |  |  |                                                                             |

|  |     |  |  |                                                                                                                                  |  |                                           |                                                                                         |  |  |  |  |                                                                           |
|--|-----|--|--|----------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|-----------------------------------------------------------------------------------------|--|--|--|--|---------------------------------------------------------------------------|
|  |     |  |  | Udha<br>Singh in<br>equal<br>share in<br>favour of<br>share<br>holder<br>self<br>cultivati<br>on                                 |  |                                           | 15-6<br>Barani<br><br>21-6                                                              |  |  |  |  | o<br>co<br>pie<br>s<br>ara<br>ji<br>est<br>abl<br>ish<br>ed               |
|  | 143 |  |  | Bishna<br>&<br>Sakhba<br>& Hiro<br>in equal<br>share<br>three<br>share,<br>Teja &<br>Taloka<br><br>in equal<br>share<br>remainin |  | 1324/297<br><br>745<br><br>750<br><br>751 | 2-12<br>G.M.<br>Nadi<br>0-7"<br><br>0-12"<br><br>0-19"<br>0-8"<br><br>0-13"<br><br>0-4" |  |  |  |  | As<br>pe<br>r<br>or<br>de<br>r 5<br>M<br>arc<br>h<br>40<br>,<br>pa<br>rta |

KUMAR VIRENDER  
2015.10.30 15:35  
I attest to the accuracy and  
authenticity of this docunt  
High Court Chandigarh

|  |     |  |  |                                                       |  |                       |                    |  |  |  |  |  |
|--|-----|--|--|-------------------------------------------------------|--|-----------------------|--------------------|--|--|--|--|--|
|  |     |  |  |                                                       |  |                       | 4/3<br>Nehri/<br>7 |  |  |  |  |  |
|  |     |  |  |                                                       |  |                       | Barani<br>3/16     |  |  |  |  |  |
|  | 145 |  |  | Bakhsha<br>share<br>holder<br>self<br>cultivati<br>on |  | 1309/1<br>245/91<br>8 | /14<br>Barani      |  |  |  |  |  |
|  |     |  |  |                                                       |  | 1297/8<br>98          | 1-0<br>Barani      |  |  |  |  |  |
|  |     |  |  |                                                       |  | 1258/9<br>26          | 0-7<br>Nehri       |  |  |  |  |  |
|  |     |  |  |                                                       |  | 1366/9<br>11          | 0-11<br>Barani     |  |  |  |  |  |
|  |     |  |  |                                                       |  | 922                   | 0-16<br>Barani     |  |  |  |  |  |
|  |     |  |  |                                                       |  | kitte 5               | 3-8                |  |  |  |  |  |
|  |     |  |  |                                                       |  | Nehri                 |                    |  |  |  |  |  |
|  |     |  |  |                                                       |  | 0-7                   | Barani             |  |  |  |  |  |
|  |     |  |  |                                                       |  |                       | 3-1                |  |  |  |  |  |

|    |     |                                                                   |                                       |                                                                 |  |                                                                            |                                                                                                                                                 |                                                            |  |  |  |  |
|----|-----|-------------------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------|--|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--|--|--|--|
|    |     |                                                                   |                                       |                                                                 |  |                                                                            |                                                                                                                                                 |                                                            |  |  |  |  |
| 40 | 146 | Sham<br>sher<br>Sing<br>h<br>Nam<br>barda<br>r<br><br>Mazk<br>oor | Sha<br>mlat<br>Deh<br><br>Majl<br>oor | M.Hiro<br>share<br>holder<br>c/o<br>Norata &<br>Basanta<br>G.M. |  | 1234/<br>926<br><br>1297/<br>898<br>902<br><br>1258/9<br>26<br><br>Kitte 4 | 0-13<br><br>Barani<br><br>0-13<br>Barani<br><br>0-12<br>Barani<br><br>0-7<br>Nehri<br><br>2-5<br><br>Nehri<br><br>0-7<br><br>Barani<br><br>1-18 | Batai<br><br>Bashra<br>h<br><br>as per<br><br>khata<br>no. |  |  |  |  |
|    | 147 |                                                                   |                                       | Teja &<br>Taloka<br><br>share<br>holder                         |  | 1297/2<br>97<br><br>902                                                    | 0-16<br>Barani<br><br>1-12<br><br>Barani                                                                                                        |                                                            |  |  |  |  |

|  |  |  |  |                                            |  |                          |                                        |  |  |  |  |  |
|--|--|--|--|--------------------------------------------|--|--------------------------|----------------------------------------|--|--|--|--|--|
|  |  |  |  | Self<br>cultivati<br>on                    |  | 1267/9<br>26/950         | 1-11<br>Barani                         |  |  |  |  |  |
|  |  |  |  |                                            |  | 1250/9<br>26             | 0-12<br>Barani                         |  |  |  |  |  |
|  |  |  |  |                                            |  | 1258/9<br>26             | 0-7<br>Nehri                           |  |  |  |  |  |
|  |  |  |  |                                            |  | Kitte 5                  | 3-18<br>Nehri<br>0-7<br>Barani<br>3-11 |  |  |  |  |  |
|  |  |  |  | Mizan<br>Bishna<br>etc.<br>share<br>holder |  | Kitte 24<br>Nehri<br>2/2 | 26-1<br>Barani<br>18.2<br>G.M.<br>5-17 |  |  |  |  |  |

|     |  |  |  |                                                                                                                                                                                                                     |  |                                                   |                                                                            |  |  |  |  |  |
|-----|--|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------|----------------------------------------------------------------------------|--|--|--|--|--|
| 148 |  |  |  | Shamshe<br>r Singh<br>& Prem<br>Singh<br>etc. in<br>equal<br>share<br>Nisf<br>Hazara<br>&<br>Hazoora<br>in equal<br>share<br>Ratia<br>Nisf @<br>1/<br>Chugram<br>Ram<br>Saran,<br>one<br>Churasi<br>share<br>holder |  | 919<br><br>1266/8<br>80<br><br>893<br><br>Kitte 3 | /9<br>Barani<br><br>1/<br>Barani<br><br>/7<br>Barani<br><br>1/16<br>Barani |  |  |  |  |  |
|-----|--|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------|----------------------------------------------------------------------------|--|--|--|--|--|

|    |     |                                                                |                                   |                                                                                                                                    |                                               |                                                                                    |                               |  |  |  |  |
|----|-----|----------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------|-------------------------------|--|--|--|--|
| 40 | 149 |                                                                |                                   | Shamshe<br>r Singh<br>etc.<br>share<br>holder                                                                                      | 1341/881                                      | 1/4<br>Barani                                                                      |                               |  |  |  |  |
|    | 150 |                                                                |                                   | Shamshe<br>r Singh<br>etc.<br>share<br>holder<br>cultivati<br>on Amar<br>Singh<br>share<br>holder                                  | 1255/926                                      | 1-7<br>Barani                                                                      |                               |  |  |  |  |
|    | 151 |                                                                |                                   | Shamshe<br>r Singh<br>etc.<br>share<br>holder<br>cultivati<br>on<br>Hazara<br>etc.<br>share<br>holder<br>Bachhra<br>h khata<br>no. | 1266/880<br>947<br>919<br>1255/926<br>Kitte 4 | 1-0<br>Barani<br>0-2<br>Barani<br>0-2<br>Barani<br>0-13<br>Barani<br>2-3<br>Barani |                               |  |  |  |  |
|    | 152 | Sham<br>sher<br>Sing<br>h<br>Nam<br>barda<br>r<br>Maz-<br>koor | Sha<br>mlat<br>Deh<br>Maz<br>koor | Shamshe<br>r Singh<br>etc.<br>share<br>holder<br>Cultivati<br>on Ram<br>Saran<br>share<br>holder<br>khatoni<br>no.                 | 1266/880<br>893<br>1255/926<br>kitte 3        | 0-15<br>barani<br>0-4<br>barani<br>0-13<br>barani<br>1-12<br>Barani                | Parta<br>Bachhr<br>-ah<br>no. |  |  |  |  |
|    |     |                                                                |                                   |                                                                                                                                    |                                               |                                                                                    |                               |  |  |  |  |

|  |     |  |                                                                  |                       |                                          |                             |  |  |  |
|--|-----|--|------------------------------------------------------------------|-----------------------|------------------------------------------|-----------------------------|--|--|--|
|  |     |  | Mizan Shamsheer Singh etc. share holder                          | N. B<br>Kitte 12      | 8-2<br>Barani                            |                             |  |  |  |
|  | 153 |  | Makbooj a Malkan Pati Kahan Singh                                | 746                   | 0-14<br>G.M.<br>New                      |                             |  |  |  |
|  | 154 |  | Jiwan Singh etc. share holder<br>Matu s/o Udmu Gujar Gair Marusi | 763<br>764<br>Kitte 2 | 1-2<br>G.M<br>0-8<br>G.M<br>1-10<br>G.M. | Lagan Bachra h<br>Khata no. |  |  |  |
|  | 155 |  | Daya Singh Gair Marusi Mundrja Khata no.107                      | 764                   | 0-6<br>G.M<br>Nadi                       |                             |  |  |  |
|  | 156 |  | Matu s/o Udmu Gujar Gair Marusi                                  | 764                   | 0-6<br>G.M<br>Nadi                       | Lagan Bachra h<br>Khata no. |  |  |  |

|  |     |  |  |                                                                                                               |  |         |                                              |  |  |  |  |  |
|--|-----|--|--|---------------------------------------------------------------------------------------------------------------|--|---------|----------------------------------------------|--|--|--|--|--|
|  | 157 |  |  | Mizan<br>Jiwan<br>Singh<br>etc.<br>share<br>holder                                                            |  | Kitte 6 | 2/2<br>Barani<br>½<br>G.M.<br><br>Nadi<br>1/ |  |  |  |  |  |
|  | 158 |  |  | Makbooj<br>a<br>Shamshe<br>r Singh<br>share<br>holder                                                         |  | 764     | /6<br>G.M.<br>Nadi                           |  |  |  |  |  |
|  | 159 |  |  | Makbooj<br>a Prem<br>Singh<br>Talok<br>Singh &<br>Mohinde<br>r Singh<br>in equal<br>share,<br>share<br>holder |  | 764     | /6<br>G.M.<br>Nadi                           |  |  |  |  |  |
|  | 160 |  |  | Makbooj<br>a Amar<br>Singh<br>share<br>holder                                                                 |  | 764     | 0-6<br>G.M.<br>Nadi                          |  |  |  |  |  |
|  | 161 |  |  | Makbooj                                                                                                       |  | 764     |                                              |  |  |  |  |  |

|    |     |                                                           |                                   |                                                 |  |     |                     |  |  |  |  |  |
|----|-----|-----------------------------------------------------------|-----------------------------------|-------------------------------------------------|--|-----|---------------------|--|--|--|--|--|
|    |     |                                                           |                                   | a Daya<br>Singh<br>share<br>holder              |  |     | 0-8<br>G.M.<br>Nadi |  |  |  |  |  |
| 40 | 162 | Sham<br>sher<br>Sing<br>h<br>namb<br>ardar<br>Mazk<br>oor | Sha<br>mlat<br>Deh<br>Maz<br>koor | Makbooj<br>a Udha<br>Singh<br>share<br>holder   |  | 764 | 0-8<br>G.M.<br>Nadi |  |  |  |  |  |
|    | 163 |                                                           |                                   | Makbooj<br>a Ranjit<br>Singh<br>share<br>holder |  | 764 | 0-8<br>G.M.<br>Nadi |  |  |  |  |  |

|  |     |  |  |                                                                                     |  |          |                                            |  |  |  |  |  |
|--|-----|--|--|-------------------------------------------------------------------------------------|--|----------|--------------------------------------------|--|--|--|--|--|
|  | 164 |  |  | Makbooj<br>a Hazara<br>etc.<br>share<br>holder                                      |  | 764      | 0-4<br>G.M.<br>Nadi                        |  |  |  |  |  |
|  | 165 |  |  | Makbooj<br>a Ram<br>Saran<br>share<br>holder                                        |  | 764      | 0-8<br>G.M.<br>Nadi                        |  |  |  |  |  |
|  | 166 |  |  | Daya<br>Singh,<br>Udha &<br>Ranjit<br>Singh<br>share<br>holder in<br>equal<br>share |  | 980      | 0-5<br>Bag<br>Nehri                        |  |  |  |  |  |
|  |     |  |  | _____                                                                               |  | _____    |                                            |  |  |  |  |  |
|  |     |  |  | Mizan<br>share<br>holder                                                            |  | Kitte 13 | 5-2<br>Bag<br>Nehri<br>0-5<br>G.M.<br>4-17 |  |  |  |  |  |
|  |     |  |  | _____                                                                               |  | _____    |                                            |  |  |  |  |  |
|  |     |  |  | Mizan<br>Patti<br>Kahan<br>Singh                                                    |  | Kitte 14 | 5-14<br>Bag 0-<br>5<br>G.M.<br>Nadi<br>5-9 |  |  |  |  |  |

|  |     |  |  |                                                              |  |              |                                                                                                                                                      |                                |  |  |  |  |
|--|-----|--|--|--------------------------------------------------------------|--|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--|--|--|--|
|  |     |  |  | Mizan<br>share<br>holder                                     |  | Kitte<br>190 | 284-9<br>Bag<br>Bag<br><br>Nehri<br><br>0-5<br><br>Barani<br><br>0-10<br><br>Nehri<br>29/13<br><br>Barani<br>G.M.<br>226-3<br><br>18/18<br><br>_____ | Batai<br>Gala<br>Nisf<br>araji |  |  |  |  |
|  | 167 |  |  | Tulsi s/o<br>Chamla<br>r/o<br>Bhakar-<br>pura Gair<br>Morusi |  | 914          | 2-3<br>Barani                                                                                                                                        |                                |  |  |  |  |

A perusal of jamabandi for the year 1951-52 reveals that it records that the land in dispute is "Nehri" "Barani", i.e., cultivated land irrigated by a kool/stream, i.e., in possession of proprietors as per their shareholdings and on payment of land revenue thereby proving that proprietors were in cultivating possession of the land in dispute, in accordance with their share holdings, prior to 26.1.1950. The argument raised by the petitioner that the land was never in possession of proprietors or was used and reserved for common purposes, remains unsubstantiated by reference to any relevant revenue entries that would even prima facie suggest such a fact or that entries in jamabandis for the years 1951-52 and 1955-56, are, in any manner, incorrect or do not reflect the factual position prevailing before 1950, i.e., the cultivating possession of proprietors, in accordance with shareholdings and on payment of land revenue. The petitioner does not allege, much less has any evidence been adduced that the persons recorded in possession in jamabandis for the years 1951-52 and 1955-56 are not predecessors of the respondents in the present case. The respondents have proved their cultivating possession in accordance with shareholdings, prior to 26.1.1950, whether personally or through their predecessors. A perusal of the order passed by the appellate authority also reveals that before holding that the land in dispute does not belong to the Gram Panchayat, a report was obtained from Naib Tehsildar, dated

21.9.2007 through Sub Divisional Magistrate, Dera Bassi, which proves that the respondents were in cultivating possession, prior to 26.1.1950. However, before we part with the judgment, it would be appropriate to point out that the Collector and the Appellate Authority have held that the mutation is illegal as it was sanctioned on the basis of a letter addressed by a government officer. A perusal of the mutation reveals that it was sanctioned on the basis of a statutory declaration contained in the 1953 Act that the "shamilat deh" of a village shall, henceforth, vest in the Gram Panchayat and not merely on the very basis of a letter. A mutation, however, neither vests nor divests, rights in land and is, therefore, not binding in a title suit. The finding that the land was "banjar qadim" and the Gram Panchayat has not proved that it was used for common purposes, is also factually incorrect as the respondents did not plead that the land is excluded from "shamilat deh" as it was "banjar qadim" but plead that the land was in their cultivating possession.

In view of what has been recorded hereinabove, we have no option, in view of the revenue entries in the jamabandis, that reflect the cultivating possession, prior to 26.1.1950, to hold that the land in dispute is excluded from "shamilat deh" of a village and, therefore, does not vest in the Gram Panchayat. It is, however, made clear that this declaration shall enure for land, that was in cultivating possession and not with respect to land used for common purposes namely, Gair

Mumkin: canal, river, drain, gair mumkin, grave-yard etc. The writ petition is, consequently, dismissed.

**( RAJIVE BHALLA )  
JUDGE**

**9<sup>th</sup> October, 2015  
VK**

**( AMOL RATTAN SINGH )  
JUDGE**