

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

CWP No. 21751 of 2013

Date of decision : 13.01.2015

Ram Singh

....Petitioner

V/s

The State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vijay Kumar Jindal, Sr. Advocate with
Mr. Amardeep Singh Sheoran, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Ms. Dolly Shivani, Advocate for
Mr. R.S. Budhwar, Advocate for respondents no. 5 to 9.

Mr. Ajaivir Singh, Advocate for respondent no. 10.

RAJAN GUPTA J.

Petitioner has sought quashing of orders Annexures P3 & P4 dated 28.04.2011 & 08.05.2013 respectively whereby his eviction from the land in dispute has been ordered.

Learned counsel for the petitioner has assailed the orders. He submits that land in dispute is a part of abadi deh and, thus Gram Panchayat has no control over it. According to him, petitioner was in continuous possession of the land since very long and same could not have been transferred at the instance of Gram Panchayat who does not have any valid title. Eviction of the petitioner under the Public Premises Act is, thus unsustainable.

Stand of the State is that land in dispute was gifted by Gram Panchayat in favour of Animal Husbandary Department, Haryana for the purpose of establishing a Veterinary hospital and entries in the revenue record were duly incorporated in favour of

Animal Husbandary department, Haryana. According to it, land in dispute is a public property which has been unauthorizedly occupied by the petitioner. Petitioner, thus, cannot claim any right or title on the property.

Heard.

It appears that respondent no. 2 filed an application under sections 4, 5 & 7 of the Haryana Public Premises Act to seek eviction of the petitioner alongwith proforma respondents from the land in dispute. Petitioner contested the same and filed written statement. Proforma respondents, however, vacated their possession on the disputed land. On the basis of revenue record, Collector found that State of Haryana was owner of the land. On 28.04.2011, he directed ejectment of the petitioner from the land in dispute. Petitioner preferred an appeal before Commissioner, Ambala Division who vide his order dated 08.05.2013 dismissed the same and upheld the order of Collector. I find no infirmity with the orders passed. According to reply filed by the State, respondent no. 1 is the owner of the land in question which has been given by Gram Panchayat vide registered Gift Deed No. 1280/1, dated 05.02.1986. It is on record that some of illegal occupants vacated the premises on 27.08.2009. Besides, State in its reply has denied that property in dispute is not shamlat land. According to it, same was meant for benefit of inhabitants of the village. Government of Haryana (Veterinary department) has already constructed a veterinary hospital on this land. It is clear that petitioner has no right or title to the land in question. There is thus, no merit in the petition. Same is hereby dismissed.

January 13, 2015

(RAJAN GUPTA)
JUDGE