

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP No.19329 of 2014
Date of Decision:-7.12.2015.

Baldev Singh and others

.....Petitioners

Versus

Director Rural Development and Panchayats, Punjab and others

.....Respondents

(2.)

CWP No.19525 of 2014

Baldev Singh and others

.....Petitioners

Versus

Director Rural Development and Panchayats, Punjab and others

.....Respondents

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

- 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?**

Present: Mr. G.S. Nagra, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Rai Singh Chauhan, Advocate for respondent No.3.

SURYA KANT, J. (ORAL)

1.) The petitioners are residents of village Bhattiwal, Tehsil Batala, District Gurdaspur. They are aggrieved by the orders dated 3.4.2008 and 9.5.2013 (P-14 and P-20) whereby they were ordered

to be evicted from the suit land measuring 28 *kanal* 7 *marlas* fully described in the head-note of eviction petition filed by the Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (in short '1961 Act') and against which their appeal has also been dismissed. In the connected writ petition, the petitioners have challenged the orders dated 27.9.2001 and 9.5.2013 (P-8 and P-20) whereby the petition filed by Gram Panchayat under Section 11 of the 1961 Act to declare it as the owner of subject land was allowed and the petitioners' appeal against that order has been dismissed.

2.) Both the writ petitions were heard at length and owing to the chequered history of litigation, following order was passed by this Court as an attempt to resolve the controversy between the parties:-

“The dispute pertains to proprietary and possessory rights in respect of land measuring 28 Kanal 7 Marlas situated in the revenue estate of village Bhhattiwal, Hadbast No.43, Tehsil Batala, District Gurdaspur.

2. No revenue number was allotted to this land, hence it was not recorded under the ownership of either the Gram Panchayat or any proprietor of the village. It appears that the petitioner or his forefathers occupied that land and have been in its cultivating possession. In the year 1985, the consolidation authorities allotted number s to this land and it was declared to be owned by the Gram Panchayat. Since then the Gram Panchayat and the petitioners are litigating over the proprietary and possessory rights. Meanwhile, the land was allotted to

the petitioners as well but that order was also set aside.

3. One of the most effective mode to resolve the dispute would have been to apply the principle of escheat and declare that the land has vested in the State. It was not so done either by the authorities under the 1961 Act or by this Court while deciding the first round of litigation between the parties.

4. In the peculiar facts and circumstances when the parties have one or the other arguable points and they are litigating since the year 1985, it appears that the matter can be amicably resolved by persuading the petitioners to accept 1/3rd of the land while the remaining 2/3rd can vest in the Gram Panchayat for the welfare of the entire village community.

5. Let counsel for the parties have instructions.”

3.) In deference to the above reproduced order, the petitioners have filed their consent-affidavit accepting the proposal that they are willing to accept 1/3rd of the suit land and the remaining 2/3rd land shall stand vested in the Gram Panchayat for all intents and purposes.

4.) Similarly, Sarpanch of the Gram Panchayat has also filed his affidavit on being authorized to do so.

5.) The petitioners have also placed on record *Naksha Tatima* depicting the location of the subject-land vis-a-vis their own private land. It has been resolved between the parties that 1/3rd land which comes to the petitioners shall be a strip (green colour) abutting their own private land (shown in red colour). The remaining 2/3rd land is declared to have vested in the Gram Panchayat.

- 6.) On a query, it is pointed out that the Gram Panchayat land has an access/passage to its land along with Rajbaha (minor). However, in case no such passage is found at the spot, the petitioners undertake to provide free passage to the Gram Panchayat land out of their *Khasra* No.14 and/or other adjoining land.
- 7.) The Deputy Commissioner, Gurdaspur is directed to depute a team to be headed by Naib Tehsildar, Sri Hargobindpur to carry out the demarcation at the spot which shall be acceptable to both the parties. The needful shall be done within one month and respective possession shall be delivered notwithstanding that the crops have been sown.
- 8.) In view of this order, all pending cases shall stand withdrawn by both the parties, having been rendered infructuous.
- 9.) The consequential entries in the revenue records shall also be made/rectified.
- 10.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 7, 2015.

sandeep sethi