

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

CWP No.18812 of 2015 (O&M)

Date of Decision: 08.10.2015

Shiv Kumar

... Petitioner

VS.

Gram Panchayat & Ors.

... Respondents

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

Present: Mr. AGS Dhillon, Advocate for the petitioner

Mr. JS Bhandohal, Advocate
for caveator/ respondent No.1

Mr. Rajesh Bhardwaj, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) The petitioners are aggrieved by orders dated 19.09.2013 (P1) and 17.06.2015 (P2) passed by the Collector, Patiala and the Appellate Authority, respectively under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 directing their eviction from the land measuring 3 bighas situated within the revenue estate of village Village Kheri Gaurian, Tehsil and District Patiala comprised in Khasra No.521 min 522 min which is statedly *shamlat deh* and vests in the Gram Panchayat.

(2) Mr. Bhandohal learned counsel for the Gram Panchayat who is on Caveat states that possession of the suit land has already been taken by Gram Panchayat in accordance with law on 19.09.2015.

(3) Be that as it may, the question whether the petitioner has any proprietorship claim over the subject-land can be determined in a declaratory petition under Section 11 of 1961 Act. We thus dispose of this writ petition but with liberty to the petitioner to file a declaratory petition under Section 11 of the Act, if so advised, and establish his claim. Needless to say that those proceedings shall be decided by the competent Court under the Act in accordance with law and on consideration of the evidence that may be led, uninfluenced of the findings given in these summary proceedings.

(4) Disposed of.

(Surya Kant)
Judge

08.10.2015
vishal shonkar

(P.B. Bajanthri)
Judge