

IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.

CWP No. 2046 of 2015. [O&M]
Date of Decision: 09th February, 2015.

Maghi & Ors.

Petitioners through
Mr. Shiv Kumar, Advocate

Versus

State of Punjab & Ors.	Respondents
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**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The petitioners have chosen to lay challenge to the orders dated 30.04.2010 and 30.09.2011 at this belated stage. Vide the afore-stated orders, eviction petition filed by the Gram Panchayat under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961 was allowed by the Collector and the petitioners' appeal against the eviction order was also dismissed.

We have heard learned counsel for the petitioner and gone through the paper-book.

There is not even a whisper, what to talk of explanation, as to why the petitioners did not approach this Court for more than three years when even the limitation to file a civil suit too had expired. That apart, on merits also, the only contention is that previously the eviction petition was dismissed keeping in view the entries in the Jamabandi for the year 1943-44 qua the petitioners.

The afore-stated contention appears to be misconceived.

The principle of *res-judicata* is not attracted to the summary

proceedings under Section 7 of the Act. It appears that the only appropriate recourse for the petitioners would be to file a declaratory petition under Section 11 of the Act, if at all it is their case that they have acquired ownership rights on the basis of long possession.

With liberty aforementioned, we decline to interfere with the impugned orders on the ground of delay and laches as well as on merits.

Disposed of. Dasti.

**(SURYA KANT)
JUDGE**

**February 09, 2015.
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**(RAJ MOHAN SINGH)
JUDGE**