

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5813 of 2015
Date of Decision:- 03.12.2015.

Jaswant Singh and others

.....Petitioners

Versus

Director Rural Development and Panchayat, Punjab and another

.....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: Ms. Bhawna, Advocate for
Mr. J.S. Bhandohal, Advocate the petitioners.

Mr. B.S. Jaswal, Advocate for respondent No.2.

SURYA KANT, J. (ORAL)

1.) The petitioners are residents of villages Alama and Navi Bagari, Tehsil and District Gurdaspur. They assail the orders dated 31.12.2008 and 5.9.2014 (P-1 and P-2) whereby they have been ordered to be evicted under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (in short '1961 Act') and their appeal against that eviction order has been dismissed.

2.) The solitary contention of the petitioners is that the land in dispute though a big chunk measuring 88 *kanal* 16 *marla* is recorded as *abadi deh* in the revenue record. Hence, no eviction petition under Section

6 and 7 of the 1961 Act is maintainable as such like land stands excluded from the definition of *Shamlat Deh* under Section 2 (g) (1) of the 1961 Act which reads as follows:-

“2(g) “shamlat deh” includes-

***(1) lands described in the revenue records as
shamlat deh excluding abadi deh”***

3.) While learned counsel for the Gram Panchayat does not dispute the above stated factual or legal plea, he contends and rightly so that the Gram Panchayat intends to apply for the correction of revenue entry so as to bring the same in conformity with the old entries.

4.) Since the old entries in the revenue record and/or the correction, if any, made by the Revenue Authorities, in the present entry, is likely to have a direct bearing on the fate of these proceedings, it appears expedient and in the interest of justice to allow this writ petition; set aside the impugned orders and remit the case to the Collector to call for additional evidence comprising the old revenue entries as well as the correction, if any, made meanwhile by the Revenue Authorities and then determine the question whether or not the subject land falls within the definition of *Shamlat Deh*. It shall be appreciated if the matter is decided afresh within a period of six months. The parties are directed to appear before the Collector, Gurdaspur on 5.1.2016.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

December 03, 2015.

sandeep sethi