

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

**(1) CWP No.8557 of 2015
Date of decision : 25.05.2015**

Darshan Singh and others

...Petitioners

Vs.

Deputy Commissioner, Bathinda and others

...Respondents

**(2) CWP No.8559 of 2015
Date of decision : 25.05.2015**

Bachiter Singh and others

...Petitioners

Vs.

Deputy Commissioner, Barnala and others

...Respondents

**(3) CWP No.8565 of 2015
Date of decision : 25.05.2015**

Gurtej Singh and others

...Petitioners

Vs.

Deputy Commissioner, Bathinda and others

...Respondents

(4) CWP No.8566 of 2015
Date of decision : 25.05.2015

Karnail Singh and others

...Petitioners

Vs.

Deputy Commissioner, Barnala and others

...Respondents

(5) CWP No.8569 of 2015
Date of decision : 25.05.2015

Manjit Singh and others

...Petitioners

Vs.

Deputy Commissioner, Bathinda and others

...Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

JITENDRA CHAUHAN J.

This judgment shall dispose of five writ petitions, viz.
CWP Nos. 8557, 8559, 8565, 8566 and 8569 of 2015, as similar
question of law and facts arose in these petitions.

The admitted facts of these cases are that the Punjab Government, through Sub Divisional Officer, concerned Drainage Sub Division, filed ejectment applications under Sections 3 and 4 of the Punjab Public Premises (Eviction and Rent Recovery) Act, 1973, for ejectment of the petitioners in the writ petitions from the drainage land situated in various villages. It was alleged that the petitioners herein are in illegal and unauthorized possession of the said land. The Collector, while exercising the powers under the Act, accepted the ejectment petitions filed by the State of Punjab and directed the present petitioners to vacate the said land. Feeling aggrieved against the ejectment orders, the petitioners filed appeals under the Act before the concerned Deputy Commissioners, exercising the powers of the Commissioner. The Commissioner dismissed the appeals. Hence, these writ petitions filed by the petitioners challenging the orders of the Collector and the Commissioner.

Learned counsel for the petitioners contended that in fact, no drain existed on the spot; since the rain is scanty in the State of Punjab, there is no need for digging the drain; and the petitioners are in possession of the land in question since long. It is further contended that even the Hon'ble Minister (Animal Husbandry and Fishing Department) had instructed the Irrigation Department not

to dig out the drain and the then Hon'ble Chief Minister of Punjab had also written on the said letter/note on 18.8.1993 to examine the matter and to stop digging. But nothing has been done by the Irrigation Department till date. It is further contended that an ex-parte demarcation was conducted by the revenue authorities without following the proper prescribed procedure in accordance with law. Lastly, it is submitted that some of the petitioners have not withdrawn and utilized the amount of compensation, however, the same stands deposited in their respective amounts by the respondent-State.

I have considered the contentions of the learned counsel for the petitioners.

Both the authorities under the Act have come to a consistent conclusion that the petitioners are in illegal and unauthorized possession of the land in question. The land had been acquired by the Government for constructing the drain to discharge the flood water in the state of Punjab at the time of rainy season. The petitioners have accepted the compensation under the Land Acquisition Act. Thereafter, the State Government in accordance with law took possession of the land and dug out the necessary drain. The ownership of the State Government was also recorded in the name of the State Government in the revenue records. The

petitioners have illegally occupied the drainage land in question. No law point is involved in these writ petitions. The petitioners are being ejected from the land meant for digging the drain after adopting the due process of law. No question of title has been raised by the petitioners regarding the said land. Moreover, there is no estoppel against Statute. Both the impugned orders are well reasoned and do not suffer from any infirmity or perversity. Mere non-withdrawal of the amount by some of the petitioners deposited by the State towards compensation would not create any right in favour of the petitioners. The writ petitions deserve to be dismissed in limine.

The learned counsel for the petitioners contended that the petitioners have a grouse against the demarcation reports also. The authorities are suggested to take possession of the land after conducting demarcation as per the instructions of the Financial Commissioner.

In view of the above discussion, the present writ petitions are hereby dismissed.

Consequently, all the civil misc. applications also stand disposed of.

25.05.2015
SK/atulsethi

(JITENDRA CHAUHAN)
JUDGE