

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

**RSA No. 1262 of 2013 (O&M)**

Date of decision : 21.9.2015

Dharam Singh

... Appellant

versus

Gram Panchayat, Village Sersa and others

... Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. M. L. Sharma, Advocate, for the appellant.

**Rajesh Bindal, J.**

The plaintiff is before this Court against concurrent findings of fact recorded by both the Courts below, whereby the suit filed by him for declaration with consequential relief of permanent and mandatory injunction, was dismissed.

In the suit filed by the appellant, it was claimed that he is in actual and physical possession as co-sharers of land measuring 9 kanals 5 marlas. The plaintiff is cultivating the suit land since the time of his forefather. The suit land was acquired by the State Government in the year 2006. When the plaintiff went to the Patwari to take the jamabandi of the suit land for filing objections, then he came to know that the khasra girdawari has been changed in the name of Gram Panchayat in the year 2001. The learned Courts below dismissed the suit of the plaintiff holding that the plaintiff should have availed the remedy before the Collector under Section 13 (A) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'), as the Collector has the jurisdiction to decide whether the land in dispute vests or does not vest in the Gram Panchayat. The claim of the plaintiff that application dated 7.11.1974 filed by the Gram Panchayat under Section 7 of the Act against father of the appellant, was dismissed on 6.10.1975 by the Assistant Collector 1<sup>st</sup> Grade, Sonapat, and it was held that the suit land is not vested in the Gram Panchayat. Both the

Courts below dismissed the claim made by the appellant opining that the Assistant Collector 1<sup>st</sup> Grade was not competent to decide the question of ownership in the application under Section 7 of the Act. Section 13 of the Act specifically provides that where question of title is involved, Civil Court has no jurisdiction to try the matter and the same shall be decided under Section 13-A of the Act. The appellant has also failed to establish that he was in possession of the suit land as authorised person or as gair marusi.

For the reasons mentioned above, I do not find that the findings recorded by the learned Courts below are perverse. No substantial question of law arises. The appeal is accordingly dismissed. Consequently, the accompanying application is also dismissed.

21.9.2015  
vs

( Rajesh Bindal )  
Judge