

In the High Court of Punjab and Haryana at Chandigarh

117

RSA-5438-2014 (O&M)

Date of decision: 10.9.2015

JAGSIR SINGH

.....appellant

Versus

GRAM PANCHAYAT GEHRI DEVI NAGAR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ashish Grover , Advocate,
for the appellant.

- 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?*

RAJ MOHAN SINGH, J.

Plaintiff is in appeal against the concurrent findings of the Courts below. Plaintiff filed a suit for declaration and permanent injunction. Declaration has been sought to the effect that the plaintiff is in possession of 19 kanals 7 marlas of land and the order dated 14.9.2005 passed by Collector, Sub Division Bathinda under the Punjab Public Premises Act, order dated 20.1.2006 passed by Deputy Commissioner, Bathinda (exercising powers of Commissioner)/ Appellate Authority and the report dated 26.4.2007 prepared by Field Kanungo, Bathinda in respect of delivery of possession are illegal, null and void.

Apparently, lis between the parties is in respect of land

which has been described as *Shamlat Patti Samund Singh*. 'Whether the land in question is capable of vesting in panchayat as *shamlat deh* in terms of Section 2 (g) of the Punjab Village Common Lands Act' is a question to be debated before the authorities. Plaintiff remained unsuccessful before the authorities in hierarchy as well as before the Civil Court in which one of the consideration was whether the Civil Court has got jurisdiction to entertain the suit in such circumstances or not.

Apparently, as per revenue record status of the plaintiff/appellant has been shown to be of *gair marusi*. Ejectment has already been ordered and possession has been taken as per *rapat roznamcha* dated 26.4.2007. In considered opinion of this Court, no such declaration can be given by the Civil Court in respect of property shown to be *Shamlat Patti Samund Singh*. Lis is apparently in the context of vesting of such land in gram panchayat as *shamlat deh*, therefore, it cannot be presumed to be a lis between two private individuals qua which jurisdiction of Civil Court could be attracted.

No law point worth cognizance is involved in the present appeal. Hence, the same is dismissed. Plaintiff is at liberty to avail any other remedy available to him under law.

(RAJ MOHAN SINGH)
JUDGE

September 10, 2015
anita