

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

C.R. No.2733 of 2016

Date of Decision.21.04.2016

Gram Panchayat, Village Narayangarh Chungian

.....Petitioner

Vs.

Madan Singh and others

.....Respondents

Present: Mr. Hardip Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order dismissing an application seeking for rejection of the plaint. The plaintiff's contention is that by virtue of purchase in the year 1959, he has become the owner of the property what is contained in the sale deed and its proprietor is also entitled to right in the property in the suit. The Gram Panchayat has contention to make that the property is vested in the Gram Panchayat as a common land and the declaratory relief cannot be granted by the Civil Court by virtue of Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961. The counsel refers me to several decisions of this Court in Harpal Singh and others Vs. State of Punjab and others 2010(2) RCR (Civil) 78; Dhanpat Rai Vs. Gram Panchayat and others 2000(3) ALLR 42; Mehar Singh and others Vs. Gram Panchayat, Sehjomajra and another 2009(5) RCR (Civil) 897; Punjab Wakf Board Vs. Punjab State 2003(1) RCR (Civil) 442 and Mohinder

Singh Vs. State of Punjab 1995(2) PLR 420 deciding on the exclusive jurisdiction of the revenue authorities in matters relating to common land or *abadi deh*.

2. The suit is not merely for declaratory relief but it is for the relief of injunction as well. If the plaintiff's case is that he is the owner of the property and he seeks for the relief of injunction also as a consequential relief, it shall be surely possible for the plaintiff to maintain an action; at least prima facie so. If the defendant's contention is that the suit is not competent, it will be one of the issues which will be considered on mixed question of law and fact and I will not take this to be affording the ground for Gram Panchayat to seek for rejection of the plaint.

3. The order already passed is maintained and the civil revision is dismissed. This order will not come in the way of the Gram Panchayat to plead and contend as amongst other issues that the suit itself is not competent. The Court will consider the issue of jurisdiction along with the other issues as well.

(K. KANNAN)
JUDGE

April 21, 2016
Pankaj*