

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

-:-

C.W.P No. 13311 of 1993 (O&M)

Date of Decision: 01.09.2016

Dharam Pal & Ors.

..... Petitioners

Vs.

Assistant Collector Ist Grade, Mohindergarh & Ors.

.... Respondents

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN**

Present: - Mr.Sunil Sharma, Advocate, for
Mr. Amit Jain, Advocate, for the petitioners.

Mr. G.S.Wasu, Addl. A.G., Haryana.

Mr. Ajay Jain, Advocate, for respondent No.4.

MAHESH GROVER, J.(ORAL)

The petitioner impugns the order dated 22.04.1988.

The petitioners plead entitlement to the land in dispute on the basis of the sale deed dated 11.07.1982 executed by respondent No.5 and 6 in his favour. The Gram Panchayat filed a petition under Section 13-A of the Punjab Village Common Lands (Regulations) Act, 1961 on 30.07.1985 claiming the land to be Shamlat reserved for grazing purposes (Charagarah).

Assistant Collector, Ist Grade, Mohindergarh, dismissed his petition on 06.04.1987, which led to the filing of appeal before the Collector, who accepted it on 22.04.1988. The petitioner then filed a revision before the Commissioner which was also dismissed vide order dated 21.01.1993, leading to the filing of present writ petition.

The impugned order reveals overwhelming evidence in favour of the Gram Panchayat, where Exhibit P/10 to P/12 indicated the land to be uncultivated and described as “*Banjar Kadim*”. Exhibits P2 and P3

established the land to be Charagrah.

During the course of proceedings, we asked the petitioner to get Exhibit P/2 translated as this pertained to consolidation and it transpires that the disputed had has been described as Pasture (*charagrah*). As against this, the petitioner has been unable to show any evidence in support of the fact that respondent Nos. 5 and 6 not owner of the land empowered were to the relinquish the same by way of sale deed. The land concededly being shamlat could not have been subjected to sale.

We thus, find no merit in this writ petition and the same is dismissed.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

September 1, 2016
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Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No