

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

CR No. 7571 of 2012 (O&M)

Date of decision: January 18, 2016

Gram Panchayat

...Petitioner

Versus

Ajit Singh @ Jit Singh and others

...Respondents

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?**

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

Mr. SM Sharma, Advocate,
for respondents No. 2, 4 and 5 to 8.

K. KANNAN, J. (Oral)

1. Admittedly, there have been proceedings before the Collector under Section 11 of the Punjab Village Common Land Act, 1961 in respect of the same subject matter. There had been a dispute already that has culminated in an order of the Division Bench of this Court in CWP 13257 of 1989 titled Jeet Singh Versus Additional Director Panchayats, Punjab and connected case through a judgment dated 12.1.2012. This Court has taken note of the fact that the property is *jumla mushtarka malkan*, the control and the management of which vests in the Gram Panchayat and that, therefore, an attempt to raise the issue of title is merely a smoke screen to perpetuate an unlawful possession. However, in the light of subsequent

proceedings brought before the authorities under the Village Common Land Act and the order of the Collector remanding the matter to the consolidation authority for consideration, there cannot be a parallel proceedings before a civil court also claiming title of the same. The objection taken by the Gram Panchayat as regards continuance of the suit was justified and the plaint is ordered to be rejected. The plaintiffs/respondents will abide by the final adjudication in the proceedings already initiated under Section 11 of the Act and the authorities will also mind the order passed by the Division Bench of this Court in the aforesaid writ petition disposed of on 12.1.2012.

2. The impugned order is set aside and the revision is allowed, subject to the observations made above.

January 18, 2016
prem

(K. KANNAN)
JUDGE