

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

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C.W.P No. 5120 of 1995 (O&M)

Date of Decision: 07.11.2016

Ajit Singh & Anr.

.... Petitioners

Vs.

Collector, Karnal & Ors.

.... Respondents

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

Present: - Mr. Ashish Gupta, for the petitioners.

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

MAHESH GROVER, J.(ORAL)

This writ petition has been filed with a prayer to quash the proceedings in appeal No.14/DC as also the order of the same date by which the Court of Collector has taken cognizance of an appeal filed by the private respondents.

Learned counsel for the petitioners contends that initially proceedings under Section 7 of the Punjab Village Common Lands Act (hereinafter referred to as 'the Act') were initiated by the Gram Panchayat, which were dismissed vide Annexure P/1 holding that land in question of which the petitioners are in possession does not vest in the Shamlat. The gram panchayat then filed a Civil Writ Petition bearing No.11079 of 1993, which was dismissed vide Annexure P/2, affirming that the land in question was covered by the definition of Shamlat as contained in Section 2(g) of the Act. The private respondents to the present writ petition then filed an appeal against the order of the Assistant Collector, Ist Grade (Annexure P/1) to challenge the findings which were entertained by the Collector vide order

12.10.1994, which is now the cause of grievance to the petitioners. It was contended that once the proceedings under Section 7 of the Act had been determined on an application moved by the Gram Panchayat and the order affirmed by this Court, there was no occasion for the Collector to entertain an appeal filed by the private respondents who even though not parties to the earlier proceedings would be bound by the findings determined legitimately in appropriate proceedings.

After hearing learned counsel for the parties, we are of the opinion that these are issues to be determined by the Collector, Karnal himself. Thus, we dispose of this writ petition with a direction to the Collector to decide the appeal filed by the private respondents by taking into consideration the objections raised by the petitioners, as noted above as expeditiously as possible.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

November 07, 2016
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Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No