

CWP no. 4502 of 2009 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 4502 of 2009 (O&M)

Date of Decision : 31.8.2016

Sawan Singh @ Swaran Singh and others

....Petitioners(s)

Versus

Director Rural Development and Panchayat, Punjab and others

...Respondent(s)

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

Present : Mr. Viney Saini, Advocate for
Mr. G.S.Nagra, Advocate for the petitioners

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

MAHESH GROVER, J.

With the consent of the learned counsel for the parties, main case is taken on board for hearing today.

The petitioners have impugned orders dated 30.5.2008 (Annexure P-5) and dated 31.1.2007 (Annexure P-2) where it was held that land in question belongs to the Gram Panchayat as the petitioners had failed to prove that cut was imposed on their land during consolidation. Reliance was placed on Section 42-A of the East Punjab Holdings (Consolidation & Prevention of Fragmentation) Act, 1948 (hereinafter referred to as the 'Act') to show that since no one had claimed ownership of the land there cannot be any further partition amongst khewatdars.

Vires of Section 42-A of the Act were considered in case titled

2011 (4) RCR (Civil) 498 where this Court held that upon consolidation the Bachat land will continue to be with the Gram Panchayat to be used for its benefit but could not be partitioned.

The ratio of the aforesaid judgment and the provisions of law have been correctly applied in the impugned orders and thus we do not deem it appropriate to interfere with the same.

Hence, dismissed.

(Mahesh Grover)
Judge

31.08.2016
rekha

(Shekher Dhawan)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No