

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.10135 of 2016
Date of Decision: May 23, 2016

Puran SinghPetitioner

versus

The Director, Rural Development and Panchayats Department,
Punjab and others

.....Respondents

[2] Civil Writ Petition No.10153 of 2016

Tarsem LalPetitioner

versus

The Director, Rural Development and Panchayats Department,
Punjab and others

.....Respondents

[3] Civil Writ Petition No.10235 of 2016

Pal SinghPetitioner

versus

The Director, Rural Development and Panchayats Department,
Punjab and others

.....Respondents

[4] Civil Writ Petition No.10260 of 2016

Gurdeep Singh and othersPetitioners

versus

The Director, Rural Development and Panchayats Department,
Punjab and others

.....Respondents

CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.G.S.Nagra, Advocate, for the petitioner(s).

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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?

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.10135, 10153, 10235 & 10260 of 2016 as the orders under challenge in all these petitions are common and have been passed by the same set of authorities.

For brevity, the facts are being extracted from CWP No.10135 of 2016.

The petitioner is aggrieved by the orders dated 21.11.2012 and 23.01.2015 passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act'). Vide the first order, the Collector ordered petitioner's eviction in a petition filed by the Gram Panchayat and vide the second order, the appeal filed by petitioner against that eviction order has been dismissed.

The Collector, Kapurthala in his impugned order observed that several opportunities were given to the petitioner to file written statement and substantiate that he was not in unauthorized possession of the Gram Panchayat land. Neither written statement was filed nor any evidence was led. The Appellate Authority has also observed that the petitioner failed to file written statement despite 22 opportunities given to him.

In these circumstances, the eviction order passed through summary proceedings cannot be faulted with.

However, learned counsel for the petitioner points-out that there is a finding by the Civil Court vide judgment dated

08.06.1989 in favour of the petitioner that the land in question was allotted to his predecessors under the provisions of the East Punjab Utilization of Lands Act, 1949 and his possession was held to be authorized.

Since the petitioner has not led any evidence in the eviction proceedings regarding allotment of the subject-land, we decline to interfere with the eviction order but grant him liberty to file a declaratory petition under Section 11 of the 1961 Act and establish his claim re: allotment/possession of the land. The Collector, Kapurthala is directed to decide the said petition on merits uninfluenced of the findings given in summary proceedings under Section 7 of the 1961 Act.

Ordered accordingly.

The parties are directed to maintain *status quo* re: possession for a period of three months from the date of receiving a certified copy of this order, to enable the petitioner to file declaratory petition accordingly.

[SURYA KANT]
JUDGE

May 23, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE