

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

CWP No.12630 of 2016

Date of Decision : 07.09.2016

Jal Singh and others

....Petitioners

Versus

The State of Haryana and others

....Respondents

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

Present: Mr. Ajay Jain, Advocate
for the petitioners.

MAHESH GROVER, J.

The petitioners pray for issuance of a writ in the nature of certiorari quashing Resolution passed by the Gram Panchayat dated 26.02.2016 (Annexure P-7) vide which it was decided that the disputed land comprised in Khewat No.50/47, Khasra No.85, which is in possession of the petitioners, cannot be given to them. The resolution was forwarded to the Deputy Commissioner who endorsed the same.

Learned counsel for the petitioners contends that they are in possession since 1941 and thus cannot be considered to be unauthorised occupants.

On a prior occasion, the petitioners filed a suit for declaration under Section 13-A of the Punjab Village Common

Lands (Regulation) Act, 1961 which was dismissed and finally affirmed upto this Court. Liberty was, however, given to the writ petitioners to file an application before the Gram Panchayat under Rule 12(4) of the Punjab Village Common Lands (Regulation) Rules, 1964. The resolution which has been impugned by the petitioners was pursuant to exercise of this option by the petitioners to which the Deputy Commissioner has accorded its approval.

Once the suit filed by the petitioners under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 was dismissed and their claim to legitimate possession declined upto this Court, it would imply that the petitioners are not in legitimate possession and therefore, no fault can be found to the resolution of the Gram Panchayat or the order of the Deputy Commissioner declining sale of the land to the petitioners.

We would thus decline interference but leave the petitioners to their remedies in law, if any.

Petition dismissed.

(MAHESH GROVER)
JUDGE

07.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

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