

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

CWP No.14520 of 2016

Date of Decision : 25.07.2016

Sadhu and another

....Petitioners

Versus

State of Haryana and others

....Respondents

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

....

1. Whether Reporters of Local Newspapers 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?

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Present: Mr. Robin Dutt, Advocate
for the petitioners.

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MAHESH GROVER, J.

The petitioners have placed reliance on Annexure P-7, a translated version of the jamabandi pertaining to the year 1954-55 to contend that the land falls in 'Shamlat Patti' and is not recorded as 'Gair Mumkin Dariya' as mentioned in the impugned order.

We have perused the application under Section 7(2) of the Punjab Village Common Land Act, 1961 filed by the Gram Panchayat which led to the impugned order and in that application prayer was made to evict the petitioners from the land

comprised in khewat/khatauni No.180/328 khasra No.24//7(8-0), 8(8-0), total area 16 kanal 0 marla, situated within the revenue estate of Alisherpur Majra, Hadbast No.246, Tehsil Bilaspur, District Yamunanagar. The revenue authorities have noticed that this land had been shown in revenue record as 'Gair Mumkin Dariya' with no person in possession. They have also noticed that as per the scheme of Istemal of clause No.7 it has been mentioned that "instead of that area, the line of River which has been established on the spot and in the papers, the same will remain as 'Shamlat Deh'. From this it was concluded that the land is recorded as 'Shamlat Deh'. The plea of the petitioners that eviction proceedings be kept in abeyance as they have initiated proceedings under Section 13(a) of Village Common Land Act was negated by the authorities. Before us learned counsel for the petitioners has placed reliance on Annexure P-7 which pertains to a different khatoni No. i.e. 55 where the land is recorded as Shamlat Deh and the particulars of the land do not reconcile with the land of the Gram Panchayat which centres around the eviction of the petitioners from Khewat/Khatoni No.180/328. Learned counsel for the petitioners has no explanation to offer in this regard. We find that apart from the fact that the petitioners have been unable to make out a case in their favour, the reliance placed on Annexure P-7 to enhance the case being totally

contrary to the relevant land would be construed to be an attempt to mislead the court.

The petition is, therefore, dismissed on both counts.

(MAHESH GROVER)
JUDGE

25.07.2016
dss

(SHEKHER DHAWAN)
JUDGE