

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

CWP no. 2686 of 2016 (O&M)

Date of Decision :10.02.2016

Lakhbir Singh @ Lakhmir Singh

....Petitioner(s)

Versus

Municipal Corporation, Ludhiana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Ashok Bector, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner impugns Annexures P-8 and 9.

The Punjab State Agricultural Marketing Board filed a petition for eviction of the petitioner from the land in question on the ground that he was an unauthorized occupant. The land was depicted in the site plan coloured as red. The petitioner who contested the proceedings claimed himself to be the owner of the property bearing plot no. 233-C, Village Partpa Singh Wala, Haibowal Diary Complex, District Ludhiana allotted by the Municipal Corporation, Ludhiana to one Charan Singh s/o Bishan Singh from whom the petitioner purchased it.

The Collector observed from the records that the land measuring 1 kanal and 6 marlas falling in khasra nos. 22/2, 3, 7,8,9, 12, 13, 14, 17, 18, 19, 56/2 stood transferred in the name of the Punjab State Agricultural Marketing

Board which was substantiated by the revenue records. It also noticed that the sale deed produced by the petitioner pertained to khasra no.22/5, 15 & 16 which was distinct from the khasra particulars of the land proclaimed by the Punjab State Agricultural Marketing Board to be its own. The petitioner would have no concern with the land of the Board. The petitioner was directed to hand over the possession within 60 days. This order dated 15.12.2010 was never challenged by the petitioner. In execution proceedings the Collector ordered demarcation of the land so as to ascertain the right of the decree-holder i.e Punjab State Agricultural Marketing Board. The execution application was disposed of with the following observations:-

“Therefore, the application for execution of the Decree-Holder is accepted on the condition that the demarcation be done of the disputed land after visiting the spot and not to take possession, forcibly from respondent no.1 & 2 of the Civil suit. Regarding that, further proceedings be done as per rule. Order was announced. File be consigned to record room after completion and authentication.”

The petitioner now impugns the order dated 15.12.2010 (Annexure P-8) and 17.9.2015 (Annexure P-9) by contending that he was in possession of the property after having purchased the same and thus being a bona fide purchaser, he cannot be ousted.

On due consideration of the matter, I am of the view that the petitioner never impugned the order (Annexure P-8) by which he was declared to be an unauthorized occupant warranting his ouster within 60 days which order has attained finality. In execution proceedings the Collector had adopted a correct approach to get the land demarcated so as to ascertain the extent of the ownership of land of the Punjab State Agricultural Marketing Board which evidently would not affect the rights of the petitioner and rather it will help to clarify the possession and stand of the petitioner over ownership of some land which he proclaims to be a result of sale deed.

No ground for interference has been made out. Hence, dismissed.

February 10, 2016
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(Mahesh Grover)
Judge