

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 4812 of 2016
Date of Decision: March 15, 2016

Joginder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Onkar Rai, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside directions dated 10.12.2015 (Annexure P/9) issued by respondent no.3 – Tehsildar (Sales), Balachaur, Tehsil Nawanshahar to the revenue officials for cancellation of allotment/sale deed executed in favour of petitioner/respondent no.4 way back in the year 2011 on the basis of legal possession as lessee.

I have heard learned counsel for the petitioner and perused the record.

There is no provision for allotment of land to the lessee. The petitioner claims that she has been in possession of the land measuring 32 kanals and has referred to the jamabandi for the year 2005-06 (Annexure P/2).

Learned counsel for the petitioner contends that the petitioner is a gair marusi. Lagan has been assessed at the rate of Rs.500/- per acre per annum.

Column no. 9 of the jamabandi (Annexure P/2) clearly indicates that possession of the petitioner is illegal.

Admittedly, the policy instructions dated 26.09.2007 have already been set aside by a Division Bench of this Court in **L.P.A. No. 402 of 2012 titled “Mohinder Singh vs. State of Punjab and others”**, decided on **30.11.2012** and directions have been issued to cancel all such allotments. Unauthorized people cannot be encouraged to be made owners merely because they have forcibly or otherwise taken possession of the land of the Government. Hon'ble Supreme Court in **Jagpal Singh and others vs. State of Punjab and others (2011) 11 SCC 396**, has also held that such allotment of land to such persons in unauthorised occupation of Government land is wholly illegal and without jurisdiction. Such illegalities cannot be regularized by the Government. It has been held that the common interest of the villagers cannot be permitted to suffer merely because the unauthorized occupation has subsisted for many years.

In view of **Mohinder Singh's case** (supra) as well as **Jagpal Singh's case** (supra), I do not find any illegality or perversity in the impugned order/directions.

Dismissed.

Learned counsel for the petitioner has pointed out that this Court has already issued notice of motion and status quo has been order in CWP No. 25855 of 2015 and other similar cases.

Registrar (Judicial) is directed to ensure that copy of this order and order passed by the Division Bench of this Court in **LPA No. 402 of 2012 – Mohinder Singh vs. State of Punjab and others, decided on 30.11.2012** as well as judgment of Hon'ble Supreme Court in **Jagpal**

Singh's case (supra) are placed on the files of all similar matters for reference of the Bench.

March 15, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge