

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.4883 of 2016

Date of Decision: April 07, 2016

Harbhajan Singh and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Angraze Singh Dhindsa, Advocate,
for the petitioners.

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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)

The petitioners have laid challenge to the orders dated 18.01.1995 and 30.09.2015 passed by the Director, Land Records, Punjab. Vide the first order, the petition filed by respondent No.3 under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short, 'the 1948 Act'), was accepted and the alleged deficiency in allotment of land caused during consolidation was made good by allotting him additional land out of the Gram Panchayat's land. The said order dated 18.01.1995 was challenged by the Gram Panchayat before this Court in CWP No.10411 of 1995 which was dismissed on 21.07.1995. Meanwhile, the Gram Panchayat filed a petition against respondent No.3 under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961

Act') seeking declaration of its ownership qua the land in dispute which was allowed by the Collector on 19.05.1995. Respondent No.3 went in appeal which was accepted by the Appellate Authority on 23.08.2006. The Gram Panchayat challenged the Appellate order before this Court in CWP No.17381 of 2007 which was dismissed on 15.04.2009. Special Leave Petition (Civil) No.6743 of 2011 preferred by the Gram Panchayat was also dismissed by the Hon'ble Supreme Court on 21.04.2011. The title dispute raked up by the Gram Panchayat thus has attained finality in favour of respondent No.3.

[2] The present petitioners after a long spell moved an application-cum-petition under Section 42 of the 1948 Act challenging the same very order dated 18.01.1995. The petitioners claimed that they are 'lessees' under the Gram Panchayat and their tenancy rights qua the suit land cannot be affected without hearing them. As they are not 'party-respondents' in the petition filed by respondent No.3 under Section 42 of the 1948 Act and thus were not heard, they too have an independent right to challenge the order dated 18.01.1995. The Director, Land Records has dismissed the petitioners' application-cum-petition observing that the Gram Panchayat having lost its legal battle, the petitioners, who claim themselves to be lessees, have no locus-standi to re-agitate the matter.

[3] We have heard learned counsel for the petitioners and gone through the record.

[4] It is not in dispute that the petitioners had taken the Gram Panchayat land on annual lease-hold basis. Since the Gram Panchayat has lost its title qua the subject-land in favour

of respondent No.3 and those orders have attained finality, the petitioners have no locus-standi or cause of action to challenge those orders as they had merely stepped into the shoes of the Gram Panchayat.

[5] No case to interfere with the impugned orders is made out.

[6] Dismissed.

[SURYA KANT]
JUDGE

April 07, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE

108 CM No.4279 of 2016 in
CWP No.4883 of 2016

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Harbhajan Singh and another vs. State of Punjab and others

Present : Mr.Angraze Singh Dhindsa, Advocate,
for the applicant-petitioners.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and the
documents (P-4 and P-5) are taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

April 07, 2016
mohinder

(P.B.BAJANTHRI)
JUDGE