

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.7648 of 2016

Date of Decision: April 27, 2016

Ranjit Singh

....Petitioner

versus

Director Rural Development and Panchayats, Punjab & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.G.S.Nagra, Advocate, for the petitioner.

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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 petitioner challenges the orders dated 14.06.2011 and 01.07.2015 passed by the Collector and the Appellate Authority, respectively, under the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act'). Vide the first order, the petitioner's declaratory petition under Section 11 of the 1961 Act to the effect that he is owner in possession of the suit land was dismissed and vide the second order, his appeal against the Collector's order has also failed.

This is an undeniable fact that as per the revenue record, the land is Jumla Mustarka Malkan, namely, belongs to the proprietary body of the village and was admittedly used for common purposes and thus by virtue of Sections 23-A and

42-A of the East Punjab Holdings (Consolidation and Fragmentation) Act, 1948, the management and control of such like lands vests in the Gram Panchayat.

The petitioner could succeed provided that he was able to prove that the subject-land was not used for any common purposes and was partitioned amongst the co-sharers and that he or his forefathers were in its individual cultivating possession to the extent of their shares on or before 26.01.1950. Except a self-serving bald statement, there is not an iota of evidence and no entry in the revenue record to substantiate such a plea. In the absence thereof, the finding of fact returned by the authorities calls for no interference.

Dismissed.

[SURYA KANT]
JUDGE

April 27, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE