

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8665 of 2016

Date of Decision: May 05, 2016

Kashmir Singh and othersPetitioners

versus

State of Punjab and othersRespondents

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

Present: Mr.Balsher Singh, 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 chosen to lay challenge to the orders dated 29.04.2008 and 18.11.2009 passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, the '1961 Act'), whereby they were ordered to be evicted at the instance of the Gram Panchayat in a petition filed under Section 7 of the 1961 Act and their appeal has been turned down.

In our considered view, the writ petition must fail atleast on two counts. Firstly, there is an inordinate and unexplained delay of more than 7-8 years in approaching the Court. The petitioners contested the above-stated orders as these were passed in the presence of their counsel. They had knowledge of the adverse orders but did not choose to approach this Court or any other appropriate forum within a

reasonable period. Secondly, there is a concurrent finding of fact that the land is Jumla Mustarka Malkan and is reserved for common purposes. In view of the mandate contained in Section 22-A read with Section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, the 'management' and 'control' of such land surely vests in Gram Panchayat. The petitioners thus have no claim qua that land.

Dismissed.

[SURYA KANT]
JUDGE

May 05, 2016
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[A.B.CHAUDHARI]
JUDGE