

RA-CW-647-2014
 CM-14994-CWP-2014 in
 CWP-6521-2013
 CM-4292-CWP-2015 in
 CWP-6517-2013
 CM-4293-CWP-2015 in
 CWP-6515-2013
 CM-4323-CWP-2015 in
 CWP-6520-2013
 CM-4324-CWP-2015 in
 CWP-6514-2013
 CM-4327-CWP-2015 in
 CWP-6518-2013
 CM-4329-CWP-2015 in
 CWP-6519-2013
 CM-5425-CWP-2015 in
 CWP-6516-2013
 CM-8517-CWP-2015 in
 CWP-6523-2013

SHIPRA ESTATE LTD VS STATE OF PUNJAB & ORS

Present: Mr. Munish Jolly, Advocate with
 Mr. P.S.Chaudhary, Advocate
 for the applicant/petitioner.

Mr. P.S.Bajwa, Addl. A.G., Punjab.

Mr. Dhirender Chopra, Advocate
 for the Gram Panchayat.

By way of this order, we shall decide above referred
 CM. For the sake of convenience, we are referring to facts in RA-
 CW-647-2014 in CWP-6521-2013.

Counsel for the applicant/petitioner submits that as per
 averments in the writ petition, they purchased land measuring 6
 kanals 6 sarsahi being 1/3rd share of land measuring 18 kanals 2
 marlas comprised in khasra No.8//2(2-2), 9(8-0) and 12(8-0) of
 khewat No.477, khatoni No.753 of jamabandi 1960-61, from the

proprietors. The proprietors filed CWP No.10170 of 2011, which has been allowed by holding that the land in dispute is Shamilat Patti and, therefore, excluded from the Shamilat Deh and as a consequence from vesting in the Gram Panchayat. The writ petitions filed by the applicant, however, have been dismissed disregarding this fact. The error may, therefore, be rectified by recalling order dated 22.11.2013 and allowing the writ petition filed by the petitioner in terms of order dated 22.11.2013 passed in **CWP No.10170 of 2011** titled as **Balbir Singh & ors. Vs. State of Punjab & ors.**

Counsel for the contesting respondents namely the Gram Panchayat Bhankarpur, submits that the aforesaid fact appears to be correct but prays that the application should not be allowed as the Gram Panchayat has filed a Special Leave Petition challenging the correctness of order dated 22.11.2013 passed in CWP No.10170 of 2011.

Counsel for the Gram Panchayat also submits that in case the review petition is accepted, the Gram Panchayat would now have to file Special Leave Petition, which may be barred by time and ever otherwise such an order would lead to unnecessary litigation and complication as far as rights of the Gram Panchayat.

RA-CW-647-2014
CM-14994-CWP-2014 in
CWP-6521-2013 & other connected cases

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We have heard counsel for the parties and though as conceded by counsel for the Gram Panchayat, there appears to be an error while deciding the writ petition, we desist from recalling our order dated 22.11.2013 for the reasons that our order is pending consideration before the Hon'ble Supreme Court.

Consequently, the applications are disposed of, at this stage, but with liberty to the applicant/petitioner to file a fresh application in case the Special Leave Petition is dismissed.

A photocopy of this order be placed on the files of other connected cases.

[RAJIVE BHALLA]
JUDGE

[REKHA MITTAL]
JUDGE

29.02.2016
Vinay