

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4616-2017

Date of Decision:- 17.07.2017

Kehar Singh

.....Petitioner

Versus

Gram Panchayat Morthali and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagdish Manchanda, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 19.05.2017 (Annexure P-5), passed by learned Civil Judge (Jr. Divn.)-cum-JMIC, Pehowa, whereby the application filed by the private respondents for impleading as respondent Nos.2 to 10 has been allowed.

Learned counsel for the petitioner states that CWP No.25979 of 2014, was filed by the petitioner, before this Court, claiming that the Gram Panchayat of his village, namely, respondent No.5 has illegally carved out and allotted plots measuring 100 square yards to respondent Nos.6 to 15 out of the land which is to be allotted to the petitioner under "Grow More Food Scheme. Vide order dated 18.12.2014 of this Court, the said writ petition was disposed of with the direction that till the claim

of the petitioner in terms of the notification dated 13.12.2013 whereby Rule 6A was inserted in the above-mentioned 1962 Rules, is decided on merits, let status-quo with regard to delivery of possession of 100 square yard plots at the land in question be maintained.

Learned counsel for the petitioner further states that no order pursuant to above-said directions has been passed till date.

Perusal of impugned order shows that the case of the applicants was that Rectangle No.11, Killa Nos.6, 7, 8 of village Morthali, Tehsil Pehowa was allotted to them by Gram Panchayat under Mahatma Gandhi Gram Basti Yojna, vide registered Hibbanama No.1740 to 1750. Mutation has been sanctioned as well. The Deputy Commissioner has written letter dated 01.01.2013 to Block Development & Panchayat Officer, Pehowa for delivery of possession.

As is evident from the record that learned Civil Judge (Jr. Divn.)-cum-JMIC, Pehowa, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has allowed the application filed by the applicants, by virtue of order dated 19.05.2017, which in substance is as under: -

“After listening to submission of both the sides and after going through the material on record this Court has arrived at a conclusion that the plaintiff admitted that there has been allotment proceedings in favour of applicants qua the suit property; although he stated the proceedings as sham. The fact remains that the applicants also have interest in the suit property. They shall be affected by the outcome of the present suit therefore they are necessary party.

In light of foregoing discussion the application is allowed and the applicants are impleaded as defendants. ”

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Civil Judge (Jr. Divn.)-cum-JMIC, Pehowa, has rightly allowed the application filed by the applicants and has examined the matter in the right perspective, recorded the cogent grounds and correctly passed the impugned order. Such order, containing valid reasons, cannot possibly be interfered with by this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, therefore, the instant revision petition is hereby dismissed.

July 17, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No