

CWP-7167-1997

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

CWP-7167-1997

Date of decision : 15.03.2017

Dera Guru Granth Sahib Ghagga, Patiala and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.S. Thind, Advocate
for the petitioners.

Ms. Lavanya Paul, AAG, Punjab.

AMIT RAWAL, J. (ORAL)

The petitioner(s) are aggrieved of the impugned order 14.05.1997 (Annexure P-7), whereby the Government of Punjab, Department of Revenue, Estate (Jagir), had informed the the Deputy Commissioner to take possession of the land from the petitioner(s), who is a self-appointed Mohitmin.

Mr. J.S. Thind, leaned counsel appearing on behalf of the petitioners submits that the aforementioned order cannot be passed as the petitioner(s) is duly appointed as Mohitmin in the congregation of Bhekh held on 01.01.1978.

Be that as it may, the fact remains that the State cannot take the possession of the land in any manner and a person, who is found to be in long and settled possession, cannot be dispossessed except in due course of

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law in view of the *ratio decidendi* culled out by the Hon'ble Supreme Court in "Rame Gowda (D) LRs V/s Mr. Varadappa Naidu (D) by LRs and another" 2004 (1) SCC 769. In case the possession and the title of the petitioner(s) is challenged he has to establish his right by seeking a declaration through competent court of law. Even otherwise, the impugned order, under challenge, is against the compliance of principle of natural justice as no opportunity of hearing is given.

Keeping in view the aforementioned facts, the impugned order dated 14.05.1997 (Annexure P-7) is hereby set aside with liberty to the petitioners to take declaration in accordance with law with regard to the all the pleadings and documents, much less, any other documents intended to be placed on record.

With the aforesaid observations, the present writ petition stands disposed of.

15.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No