

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

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**CWP No.121 of 2017 (O&M)**

**Date of Decision: 11.01.2017**

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Suraj Mal

... Petitioner

VS.

FC (Revenue), Haryana & Ors.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE SURYA KANT**

**HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

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Present: Mr. Manoj Makkar, Advocate for the petitioner

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**SURYA KANT, J. (Oral)**

(1) The petitioner has laid challenge to the orders dated 16.06.2011, 10.04.2013 and 02.11.2016 whereby the Collector, Rohtak dismissed his suit filed under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana and that order has been further upheld by the Appellate and Revisional Authorities. The petitioner sought declaration of his ownership through the said Suit, *qua* the land in dispute measuring 59 kanal 10 marla situated within the revenue estate of village Gijhi, Tehsil and District Rohtak.

(2) The facts are like this.

(3) The land in dispute was mutated in favour of Gram Panchayat vide Mutation No.1675 dated 13.01.1955. Petitioner's father Ghisa, was however, in possession of the suit land hence the Gram Panchayat filed a suit for possession against Ghisa which was decreed on 03.11.1955. The judgment and decree dated 03.11.1955 attained finality. Consequently vide mutation No.1699 dated 19.05.1956, possession of the petitioner's father was declared to be unauthorized.

(4) After the death of his father, petitioner filed a civil suit against Gram Panchayat in 1979 claiming, *inter alia*, that the decree dated 03.11.1955

petitioner was dismissed on 26.10.1982 being barred by the principle of *res judicata*. The said judgment also attained finality as the petitioner did not challenge the same before any appellate forum.

(5) The petitioner then made the second attempt to wriggle out of the Civil Court decree dated 03.11.1955 by instituting the present suit under Section 13-A of the 1961 Act.

(6) It may be noticed at this stage that Section 13-A of the 1961 Act was amended vide Act No.34 of 1974 by virtue of which the jurisdiction of the Civil Court to entertain or adjudicate upon any question relating to the title as to whether the land vests in the Gram Panchayat or in the proprietors, was barred as such a dispute is to be adjudicated by only the Court of Collector under the Act.

(7) The Collector vide the impugned order has reiterated that the decree dated 03.11.1955 was valid and it was passed after hearing petitioner's father. That apart the petitioner has failed to satisfy the authorities below as to how the subject land falls within the exception clause of Section 2(g) of the Act as neither the continuous cultivating possession has been proved before the *shamlat* law came into force nor the petitioner admittedly enjoys upon the title *qua* the land in dispute. In this view of the matter, no fault can be found with the impugned orders.

(8) Dismissed.

**(Surya Kant)**  
**Judge**

**11.01.2017**  
*vishal shonkar*

**(Sudip Ahluwalia)**  
**Judge**

1. Whether speaking/reasoned?  
2. Whether reportable?

*Yes / No*  
*Yes / No*