

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

Varinder Singh
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Punjab & Haryana High Court at
Chandigarh

CWP No. 1300 of 2017 (O&M)

Date of decision: 7.3.2017

Smt. Krishna Devi and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. J. P. Sharma, Advocate, for the petitioners.

Rajesh Bindal, J.

The petitioners have filed the present petition impugning the orders dated 7.12.2010 (Annexure P-1), 29.8.2014 (Annexure P-2), and 26.9.2016 (Annexure P-3).

In the case in hand, the petitioners filed a suit under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'), praying for declaration to the extent that they are owners in possession of the land forming part of khewat no.183 min khatoni no. 304, total measuring 13 kanals 2 marlas, situated in village Sundreh, Sub-Tehsil Kaniana, District Mahendergarh, as recorded in jamabandi for the year 2002-03. The Collector found that in the jamabandis from the years 1962-63 to 1982-83, the cultivation of the petitioners was recorded as *kast bila lagan bewehaj jabardsati*. For the years 1987-88 and 1992-93, the cultivation was recorded on *chakota* of ₹ 1,215/- per annum. The petitioners had not proved as to how much was their share in the *shamlat deh* land. They had further not been able to prove that they were in possession of the land 12 years prior to the enactment of the Punjab Village Common Lands (Regulation) Act, 1961.

Keeping in view the aforesaid material on record, the Collector dismissed the suit filed by the petitioners being without any merit. Even before the Commissioner, Gurgaon Division, Gurgaon, as well as the Financial Commissioner, the petitioners had not produced any material, which could enable any of the authorities to opine that the findings recorded by the Collector were erroneous. Even before this Court, the petitioners had not been able to refer to any material on record to enable this Court to opine that they could be declared owners in possession of the suit land while recording that the findings recorded by the authorities below are perverse.

While concurring with the findings recorded by the authorities below, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

7.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No