

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

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**CWP No.14510 of 2017 (O&M)**

**Date of Decision: 10.07.2017**

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Raghuvir Singh

... Petitioner

VS.

Commissioner, Hissar Division, Hissar & 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. Sandeep Punchhi, Advocate for the petitioner

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

(1) The petitioner has laid challenge to the order dated 12.09.2012 and 19.07.2016 passed by Collector, Sirsa and Commissioner, Hisar Division, Hisar, respectively in the proceedings initiated by the Gram Panchayat Sikanderpur under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana, seeking petitioner's eviction from the land in dispute. In the summary proceedings, both the authorities have held that the subject land is part of the village pond and is *shamlat deh* which vests in the Gram Panchayat.

(2) The petitioner's case, on the other hand, is that the subject land falls in the *abadi deh* and is in his possession from the time of his forefathers. He relies upon statements of the residents of the village who deposed that the petitioner's family is in possession of the suit land prior to the year 1947.

(3) Having heard learned counsel for the petitioner, it appears to us that no case to interfere with the impugned orders passed in summary proceedings under Section 7 of the 1961 Act is made out. The question of title sought to be raised by the petitioner can be effectively determined in a suit which he may file under Section 13 of the Act. Suffice it to say that the

impugned orders passed in the summary eviction proceedings will have no legal impediment against adjudication of the petitioner's suit on merits.

(4) Disposed of accordingly.

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

**10.07.2017**  
*vishal shonkar*

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

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

*Yes / No*  
*Yes / No*