

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

CWP No. 18242 OF 2016 (O&M)

Date of decision: 23.02.2017

Mohinder Singh

.. Petitioner

vs.

State of Punjab and ors.

.. Respondents

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

Present:- Mr. Nakul Sharma, Advocate
 for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 08.05.2013 passed by the Commissioner, Rural Development and Panchayat Department, Punjab whereby the appeal filed by the Gram Panchayat against the orders dated 08.05.2006 and 12.09.2006 passed by the Collector-cum-Divisional Deputy Director was accepted.

In the case in hand, the petitioner filed a petition under Section 11 of the Punjab Village Common Lands (Regulations) Act, 1961 to declare him owner of the property claiming that he is in possession of the land much prior to 26.01.1950. The Collector had accepted the petition and declared the petitioner to be owner of the land. However, the Commissioner reversed the findings. While reversing the findings of the Collector, he has duly discussed the revenue record from the year 1952-53 and also Khasra Girdawaries for the period 1965 to 2004. In none of the aforesaid revenue records, the petitioner was shown to be owner in possession of the land. It was shown in the ownership of Gram Panchayat or Nagar Nigam, Patiala and the land was shown to be Shareaam and kind of land as Rasta, which cannot be said to be in possession of the petitioner. The claim of the petitioner is that the Panchayat had never leased out that land is of no

consequence as that fact will not confer any right on the petitioner to claim ownership of the land. No oral evidence in the light of the documentary evidence in the form of revenue record available, can be relied upon.

For the reasons mentioned above, we do not find any reason to interfere in the present petition. Accordingly, the writ petition is dismissed.

Learned counsel for the petitioner, at this stage, submitted that as the land, which is owned by the petitioner and is abutting the land in dispute, will not have any passage connecting the road, he may be given liberty to approach the competent authority for exchange of land with Gram Panchayat.

The petitioner may avail of his remedy for that purpose in accordance with law as this Court has not expressed any opinion on that.

(Rajesh Bindal)
Judge

23.02.2017
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No