

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15223-2017

Date of Decision: August 21, 2017

Jaskaran Singh and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: None.

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SURYA KANT, J.

The case has been called twice. No one appears on behalf of the petitioners. On the previous date also the arguing counsel was not present. We thus, take up the case for adjudication on merits.

[2] It appears from the averments made in the writ petition that the Gram Panchayat has carved out 100 sq.yards plots for allotment to the families who are living below poverty line. The petitioners, who are proprietors of the village, allege that such plots are being carved out from the land recorded as *Jumla Mushtarka Malkan* which they claim does not vest in Gram Panchayat. We, however, do not find any merit in the contention. Section 2(g)(4) of the Punjab Village Common Lands (Regulation) Act, 1961, provides that the lands which have been used for

the benefit of the village community do fall within the definition of the *shamlat deh*. That apart the land which is recorded as *Jumla Mushtarka Malkan* vests for all intents and purposes including for its 'management' and 'control' in the Gram Panchayat under the provisions of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. Still further, the petitioners may approach the Court of Collector for redressal of their grievances and for seeking any declaration that the land in question does not vest in the Gram Panchayat.

[3] With the liberty aforesaid, the writ petition is dismissed.

(SURYA KANT)
JUDGE

August 21, 2017
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(SUDHIR MITTAL)
JUDGE

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No