

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17930 of 2017.

Date of Decision: September 26, 2017

Krishna Real Estate Enterprises Pvt. Ltd.

.....Petitioner

versus

Director, Rural Development and Panchayat, Punjab & ors.Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Harsh Bunger, Advocate, for the petitioner.

-.-

Surya Kant, J. (Oral)

The petitioner is aggrieved by the orders dated 27.10.2014, 18.11.2014 and 08.05.2015 whereby in the proceedings initiated under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 by the Gram Panchayat of village Kot Kalan, Tehsil and District Jalandhar, eviction order was passed against the petitioner and its appeal/revision etc. against that order were dismissed.

The primary contention of the petitioner is that the land in dispute falls within the limits of Municipal Corporation, Jalandhar and as such, provisions of the Punjab Village Common Lands (Regulation) Act, 1961 are inapplicable. It is urged, on the strength of Full Bench judgment of this Court in **Suraj Bhan and others versus State of Haryana and another, 2017 (2) RCR (Civil) 934**, that the land which is recorded under the ownership of “*shamlat deh, hasab, rasad khewat*” otherwise does not vest in the Gram Panchayat and is liable to revert back to the proprietors. It is fairly conceded that the above-stated declaration can be granted only by the Civil Court, as held by the Full Bench in the cited decision.

Faced with this, learned counsel for the petitioner seeks to withdraw this writ petition with liberty to file a civil suit.

Ordered accordingly.

With a view to enable the petitioner to approach the Civil Court, it is directed that *status-quo* re: possession be maintained for two months.

Needless to say that the suit, if any filed by the petitioner before the Civil Court, shall be decided as per its own merits without being influenced of the findings returned by the Authorities under the 1961 Act.

[SURYA KANT]
JUDGE

September 26, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No