

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24129 of 2016

Date of Decision: August 08, 2017

Nirmal Singh

.....Petitioner

versus

Director, Rural Development and Panchayat, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Rajesh K.Dadwal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner has been ordered to be evicted from the land in dispute pursuant to an ejectment petition filed by the Gram Panchayat of his village under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'). The finding given by the authorities below is that the land in question was being used for School purposes and the petitioner has taken its unauthorized possession. On the other hand, the case of the petitioner is that the land in dispute falls in *abadi deh* and he is in possession of the same since the time of his fore-fathers, namely, from the year 1950.

Both the parties have led no documentary evidence. The eviction proceedings are summary in nature and as such nothing precludes the petitioner from filing a declaratory petition under Section 11 of the Act to establish that the land in dispute is located in *abadi deh* and thus it does not vest in Gram Panchayat or that it is in possession of his family since 26.01.1950. If any such declaratory petition is filed by the petitioner, needless to say that the observations made by the authorities in these summary proceedings will not come in his way.

The writ petition stands disposed of accordingly.

With a view to enable the petitioner to file declaratory petition,
status-quo re: demolition be maintained for two weeks.

[SURYA KANT]
JUDGE

August 08, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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