

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22218 of 2017.

Date of Decision: September 28, 2017

Pardeep Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Ms.Satpreet Grewal Kapila, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The controversy in the present case is whether the petitioner is in possession of khasra No.6/810 & 811 within the revenue estate of village Swaar, Block Hajipur, District Hoshiarpur or he is in possession of khasra No.3//309/2 which belongs to the Gram Panchayat of village Badhaliyan, Block Hajipur, Tehsil Mukerian, District Hoshiarpur? While the petitioner claims himself to be in physical possession of the land of village Swaar from the time of his forefathers, the impugned demarcation report dated 09.02.2017 (P-7), which has been prepared in purported compliance of the directions dated 16.11.2016 issued by this Court in CWP No.23584 of 2016 (Mandeep Kaur and others versus State of Punjab and others), holds otherwise.

In this fact-situation where disputed questions of facts are involved, we are satisfied that the most effective and appropriate remedy for the petitioner would be to file a declaratory petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 and establish his

title/possessory rights over the land which falls within the revenue estate of

village Swaar. It is directed that if such a petition is filed, the same shall be decided expeditiously and/or simultaneously alongwith the eviction petition, if any, filed by the Gram Panchayat of village Badhaliyan.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

September 28, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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