

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22483 of 2017.

Date of Decision: October 03, 2017

Amar Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Ms.Payel Mehta, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The controversy in this case pertains to ownership and possessory rights over a plot fully described in the head-note of the writ petition, situated within the revenue estate of village Manak Majra, Tehsil and District Mohali. The Gram Panchayat of the village claims that the said plot vests in it and consequently it filed an eviction petition against the petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 which was dismissed by the Collector, SAS Nagar Mohali by way of a self-speaking order dated 04.08.2016. We are informed that the Gram Panchayat did not file any appeal and the said order has attained finality.

The petitioner's grievance is that though he is owner of the land which falls in 'abadi deh', yet the Gram Panchayat is hellbent to raise unauthorized construction at the site with the police assistance.

We have heard learned counsel for the petitioner. The dispute whether a piece of land is owned by a proprietor or resident of the village or it vests in the Gram Panchayat is exclusively triable by the Court of

Collector under Section 11 of the Punjab Village Common Lands Regulation Act, 1961. The jurisdiction of Civil Court is expressly barred in such like dispute. In this view of the matter, we dispose of this writ petition relegating the petitioner to the above-stated alternative remedy to file a petition under Section 11 of the 1961 Act. It is directed that the petition filed by the petitioner shall be decided expeditiously and the stay application, if so filed by the petitioner, shall be decided within one month from the date of its filing.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 03, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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