

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

-:-

C.W.P No. 26243 of 2016 (O&M)

Date of Decision : 20.02.2017

Karma & Anr.

... Petitioners

versus

State of Punjab and Ors.

... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present : Mr. Vivek Chauhan, Advocate, for the petitioners.

RAJESH BINDAL, J.

This order will dispose of two petitions bearing C.W.P Nos. 26243 of 2016 and 26312 of 2016. However, the facts have been taken from C.W.P No.26243 of 2016.

Petitioners have challenged the order dated 19.10.2016 passed by the Joint Development Commissioner, (I.R.D), Punjab, exercising powers under the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act'), vide which the appeal filed by the petitioners against order dated 03.08.2015 passed by the Collector-Cum-Additional Deputy Commissioner (Development), Roopnagar, whereby the application filed by them under Section 11 of the Act, was dismissed whereas application filed by the Gram Panchayat under Section 7 of the Act was allowed.

Learned counsel for the petitioners submitted that once the Collector had found that the land falls within the Lal Dora and there is no revenue record available with regard to ownership of specific khasra number, the Gram Panchayat cannot be said to be the owner and the petitioners to be in unauthorised possession. In fact, a spot had been

identified out side the Lal Dora for celebrating Sacrificial God festival.

After hearing learned counsel for the petitioners, we do not find any reason to interfere in the impugned order. Petitioners have not led any evidence to prove their ownership on the portion of land in dispute. It has also come on record that the petitioners had purchased adjoining land 25-30 years ago. The Gram Panchayat had produced son of Nambardar as witness, who stated that this land has been used for celebration of Sacrificial God, festival. There is no evidence led by the petitioners in rebuttal. Regarding ownership also, the petitioners had not led any evidence. Merely because another piece of land was reserved for “*Kunna*” i.e. for religious purpose, will not automatically mean that the land falls within Lal Dora and cannot be used for festival, namely, Sacrificial God.

We do not find any error in the order passed by the Commissioner upholding the order passed by the Collector allowing the application filed by the Gram Panchayat under Section 7 of the Act and dismissing application under Section 11 of the Act filed by the petitioners.

Dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 20, 2017
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Whether speaking/reasoned – Yes
Whether reportable – Yes/No