

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27356 of 2017.

Date of Decision: December 01, 2017

Major Singh

.....Petitioner

versus

The Director, Land Records, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Vikas Mehsempuri, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The question which fell for consideration before the Director, Land Records, Punjab, was whether the 'Khall' (irrigation channel) which was not allotted any khasra No. at the time of consolidation due to mistake of Consolidation Authorities, would vest in Gram Panchayat or it be treated as a private-property of the petitioner? Since 'Khall' is concededly used for the irrigation purposes by a section of the village community, the Director, Land Records has rightly held it to be *Makbuja Share-aam*, namely, in possession of the residents of the village and since it is being used for common purposes, it has been held to have vested in the Gram Panchayat. The petitioner cannot claim the area of 'Khall' as his private-property.

Moreover, the petition was filed by one Sher Singh in which the petitioner was only a respondent and as such, he could not have claimed that the alleged deficiency in his land-holding be made good. Even a fresh petition at this stage for making good such deficiency would be liable to be dismissed on the ground of delay and laches. The claim being totally unsustainable, we decline to interfere with the impugned order.

Dismissed.

[SURYA KANT]
JUDGE

December 01, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No