

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5846 of 2017.

Date of Decision: August 10, 2017

Mohan Lal

.....Petitioner

versus

Director, Department of Rural Development and Panchayats, Punjab and
others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Munish Gupta, 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, measuring 1 marla, which has been held to be a part of the public passage and is marked as 'ABCD' in the site plan produced before the authorities below. The eviction order has been passed at the instance of the Gram Panchayat who filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. The case of the petitioner, on the other hand, is that the land in dispute is his private property and is not a part of public passage.

It is true that in the summary eviction proceedings the authorities have held that the land in dispute is a part of public passage which has been encroached upon by the petitioner. However, nothing precludes the petitioner to file a declaratory suit under Section 11 of the 1961 Act and establish his title qua the land in dispute. Needless to say that the findings returned by the authorities below under Section 7 of the 1961

Act per se would not come in the way of the petitioner provided that he

otherwise proves his ownership on the land in dispute.

The writ petition stands disposed of with liberty afore-mentioned.

[SURYA KANT]
JUDGE

August 10, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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