

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6460 of 2017 (O&M)

Date of decision: 18.05.2017

Sultan Singh

..... Petitioner

Versus

Financial Commissioner, Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. P.R. Yadav, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

RAJESH BINDAL, J.

Challenge in the present petition has been made to the order dated 29.03.2011 (Annexure P-20) passed by the Collector in application filed by the petitioner under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, the order dated 13.10.2011 (Annexure P-21) passed by the Commissioner, Gurgaon Division, Gurgaon (now Gurugram) dismissing the appeal against the aforesaid order and the order dated 09.11.2016 (Annexure P-24) passed by the Financial Commissioner, Haryana dismissing the revision against the order passed by the Appellate Authority.

The petitioner claimed that the land is recorded in the revenue record as “*Jumla Malkan Wa Digar Haqdaran Arazi Hasab Rasad Rakba Khewat*”. The issue as to whether this land shall vest in Panchayat has not been considered by the authorities below, especially, in view of Five Judges

Bench Judgment of this Court in CWP No. 314 of 2001, Suraj Bhan and others Vs. State of Haryana and another decided on 22.07.2016. Hence, the matter deserves to be remitted back.

Learned counsel for the State submitted that the complete record is available with the Gram Panchayat that the land had never been in possession of the petitioner and it was regularly being leased out by way of auction. During this period, even the petitioner had been Sarpanch of the Gram Panchayat for the period from 1984 to 1988, hence, to claim that the petitioner was in possession of the land throughout is not made out from the revenue record.

After hearing learned counsel for the parties and considering the fact that the Five Judges Bench Judgment of this Court in Suraj Bhan's case (supra) has not been considered by the authorities below, the matter deserves to be remitted back. The impugned orders dated 29.03.2011, 13.10.2011 and 09.11.2016 (Annexures P-20, P-21 and P-24, respectively) are accordingly quashed. The case is remitted back to Collector, Rewari, for decision thereof afresh, after affording opportunity of hearing and leading evidence to both the parties.

The parties are directed to appear before the Collector, Rewari on 20.06.2017.

The petition stands disposed of.

(RAJESH BINDAL)
JUDGE

May 18, 2017
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(RAMENDRA JAIN)
JUDGE