

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.870 of 2017.

Date of Decision: August 09, 2017

Karnail Singh

.....Petitioner

versus

Gram Panchayat, Village Jaffarwal, Distt. Jalandhar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Kawaljyot Singh, Advocate, for the petitioner.

Mr.NPS Mann, Advocate, for the caveator-respondent No.1.

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Surya Kant, J. (Oral)

The petitioner assails the orders dated 12.04.2016 (P-3) and 28.11.2016 (P-5) passed by the DDPO-cum-Collector, Jalandhar and the Director, Rural Development and Panchayat Department, Punjab, respectively, whereby he was ordered to be evicted from the land in dispute and his appeal against that eviction order has also been dismissed.

While the case of the petitioner is that the land in dispute is owned by him since the time of his forefathers as there was an exchange of land between his forefathers and the Gram Panchayat before the consolidation but the entry of such exchange was not made in the revenue record and the land was still shown to be owned by the Gram Panchayat. On the other hand, the Gram Panchayat claims itself to be owner of the land in dispute.

It is well settled that eviction proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') are summary in nature and except in a case where question of

title is raised and decided, the Collector's Court does not decide the title

dispute in these summary proceedings. There is nevertheless separate remedy available under the 1961 Act under Section 11 where the parties can seek declaration as to whether the land is owned by the proprietors or it vests in the Gram Panchayat. The petitioner has admittedly filed a petition under Section 11 of the 1961 Act, a copy whereof is appended as Annexure P-6. The said suit-cum-petition is still pending in the Court of DDPO, Jalandhar.

In our considered view, the contentious issue re: title dispute can be adjudicated by the Court of Collector in the above-stated petition. The writ petition is accordingly disposed of with a direction to the DDPO-cum-Collector, Jalandhar to decide the petition filed by the petitioner under Section 11 of the 1961 Act, as early as possible but not later than six months from the date of receiving a certified copy of this order.

Till such time the suit/petition is decided, the parties are directed to maintain *status-quo* re: possession. However, meanwhile the petitioner shall not create any third party rights.

[SURYA KANT]
JUDGE

August 09, 2017
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[SUDHIR MITTAL]
JUDGE

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