

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

LPA No.2137 of 2017 (O&M)

Date of Decision : 09.11.2017

Municipal Corporation, Faridabad

....Appellant

Versus

Om Parkash and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr.R.D.Bawa, Advocate
for appellant.**

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned
Single Judge dated 22.05.2017.

The appellant, which is Municipal Corporation, contends that
the land in question was Shamlat Deh and by virtue of the expansion
of the limits of the village it would vest in the Municipal Corporation.

The learned Single Judge took notice of the earlier civil court
proceedings qua the ownership of the land in an injunction suit which
was affirmed in the RSA , the findings of which have been noticed in
the impugned order and extracted hereinbelow :-

“As per Exhibit P3 mutation was sanctioned in favour of the
plaintiffs qua Khasra No.183/1/1/1(1-0) on the basis of sale
deed dated 24.02.1983. The sale deed executed by Parduman
Singh in favour of the plaintiff is Exhibit P2. In the revenue
record placed on the file, the suit property is not described to
be in possession of the Gram Panchayat or the Municipal

Corporation. Rather the suit property is described to be in possession of the plaintiffs. The plea of the appellant that Khasra No.183 was gora deh is not fortified by the revenue record on the file. In these circumstances, the suit of the plaintiff was liable to be decreed.

No substantial question of law arises in this appeal.

Dismissed.”

Evidently, the private respondents had acquired ownership of the land by virtue of a sale deed which was never challenged by anyone. In this situation, the Asstt. Collector who was dealing with the mutation proceedings had absolutely no jurisdiction to record an entry divesting the owner of his land in the records. The findings of the learned Single Judge to this effect, being in order do not warrant any interference.

However, delay of 131 days in filing the appeal which has been ascribed to procedures is condoned.

Appeal stands dismissed.

(MAHESH GROVER)
JUDGE

09.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No