

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

RSA No.3462 of 2015 (O & M)
Date of decision :12.09.2017

Deputy Singh

...Appellant

Versus

Gram Panchayat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Pandit, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM No.17352-C of 2016

This is an application under Order 41 Rule 27 read with Section 151 CPC for permission to lead additional evidence by producing a certified copy of order dated 22.01.2016 (Annexure A-1) passed by Director, Department of Rural and Development and Panchayat, Punjab.

It is not in dispute that the aforesaid order is not final between the parties and is subject matter of challenge before this Court.

In these view of the matter, this order would not advance the case of the appellant.

Application is dismissed.

Main Case

Plaintiff is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Both the Courts have found that as per the revenue record, the property is entered as Panchayat Deh. Plaintiff has not produced on file any

evidence to show that he is co-owner in the property. Plaintiff claims that he is in possession of the land and, therefore, entitled to protect his possession. Plaintiff has failed to produce any evidence to prove his right, title or interest in the property. In absence of any evidence to prove that the plaintiff is entitled to a particular share in the property and he had some right title or interest in the suit land, plaintiff was not entitled to maintain a suit for declaration. Plaintiff has just challenged the entry in the revenue record by filing a suit. As per Section 13 of the Punjab Village Common Lands(Regulation) Act, 1961, jurisdiction of the Civil Court is barred to entertain and adjudicate upon any question, whether any property or any right to or interest in any property is or is not Shamlat Deh vested or deemed to be vested in a Panchayat. Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961 is extracted as under:

“13. Bar of Jurisdiction in Civil Courts:-

No civil courts shall have jurisdiction:-

- (a) to entertain or adjudicate upon any question, whether any property or any right to or interest in any property is or is not shamlat deh vested or deemed to have been vested in a Panchayat under this Act ; or*
- (b) to question the legality of any action taken by the Commissioner or the Collector or the Panchayat, under this Act, or*
- (c) in respect of any matter which the Commissioner or the Collector is empowered by or under this Act to determine.”*

In view of the aforesaid position and keeping in view the concurrent findings of fact arrived at by the Courts below, I do not find any good ground to interfere with the judgments passed by the Courts below.

Hence, the appeal is dismissed.

12.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No