

RA No.378 of 2017 (O&M) in  
CWP No.864 of 2015

-1-

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

RA No.378 of 2017 (O&M) in  
CWP No.864 of 2015  
Date of Decision.01.12.2017

Jeet Singh @ Ajit Singh (deceased) through LR's and another  
.....Petitioners

Vs

State of Punjab and others  
.....Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Gaurav Mohunta, Advocate  
for the applicants-petitioners.

Mr. IPS Doabia, Addl. A.G., Punjab.

Mr. P.S. Khurana, Advocate  
for non-applicant/respondent No.4.

:-

**AMIT RAWAL J.(ORAL)**

**C.M. No.10698 of 2017**

For the reasons stated in the application, delay of 162 days in  
filing the review application is condoned.

Application is allowed.

**R.A. No.378 of 2017**

The review application has been filed seeking review/recall of  
the order dated 24.01.2017 passed in CWP No.864 of 2017 whereby the  
writ petition was ordered to be dismissed as withdrawn in view of the  
statement made by the applicant-petitioner, owing to the judgment rendered  
by the Hon'ble Supreme Court in **Jagpal Singh and others Vs. State of  
Punjab and others 2011(1) RCR (Civil) 912.**

Notice had already been issued to the counsel appearing for the

Mr. Khurana has raised the objection that in the order dated 24.01.2017, the writ petition was withdrawn without issuing notice of motion. However, Mr. Mohunta submitted that there was an error in interpreting the judgment referred to in the aforementioned order.

The reasons for recalling explained in paragraphs 3 and 5 of the application reads as under:-

*“3. That due to inadvertence, one vital fact could not be brought to the knowledge of the court to the effect that the observations made by the Hon'ble Supreme Court in the aforesaid judgment relating to declaring the policy dated 26.09.2007 as invalid was subsequently held to be of general nature by observing that “in fact, the sentiments expressed in the judgment by which the civil appeal was disposed of, are general in nature and it is the duty of the concerned State Government to enforce the law as they relate to land of this nature. Accordingly, each particular Gram Sabha or Gram Panchayat are at liberty to proceed against unauthorised occupants of such lands and for that there is no further need for this Court to continue to monitor the matter. Accordingly, the matter as far as this Court is concerned, is closed, but it will not prevent individuals, authorities or persons affects, from taking appropriate action in accordance with law, in the event of such action proves to be necessary. Any application, if made, including those filed by the applicants in I.A. Nos.6 and 8 of 2011, should be disposed of, latest within three months from the date on which the said applications are*

*made” vide subsequent order dated 18.4.2013 passed while monitoring the said case (Jagpal Singh) as is apparent on perusal of paragraph No.24 of the said judgment. In view of the said vital fact having inadvertently not been brought to the knowledge of this Hon'ble Court at the time of hearing on 24.01.2017, the present application be allowed and the order dated 24.01.2017 be recalled/modified, in the interest of justice. Copy of judgment delivered by the Hon'ble Supreme Court of India in the case of Jagpal Singh & others Vs. State of Punjab and others 2011(1) RCR (Civil) 912 and subsequent order dated 18.4.2013 passed by it is appended herewith as **Annexure A-1** and **A-2** respectively.*

xxxxxx

xxxxxx

xxxxxx

5. *That the matter before the Hon'ble Apex Court was w.r.t. The land recorded as a village pond and the relevant paragraph no.16 of the aforesaid judgment is being reproduced as under for the kind perusal of this Hon'ble Court.*

*“16. The present is a case of land recorded as a village pond. This Court in Hinch Lal Tiwari v. Kamala Devi, AIR 2001 SC 3215 (followed by the Madras High Court in L.Krishnan v. State of Tamil Nadu, 2005(4) CTC 1 Madras held that land recorded as a pond must not be allowed to be allotted to any body for construction of a house or any allied purpose. The Court ordered the respondents to vacate the land they had illegally occupied, after taking away the material of the house. We pass a similar order in this case.”*

The Hon'ble Supreme Court was monitoring over the unauthorized occupation of the ponds at the hands of the villagers and interpretation was drawn that the matter is covered whereas it was not so. Therefore, I deem it appropriate to recall the order dated 24.01.2017 whereby the writ petition on the statement of the counsel appearing for the petitioner was disposed of.

The application stands allowed in the above terms and the writ petition is restored to its original number.

**CWP No.864 of 2015**

List the writ petition for preliminary hearing as per roster.

**(AMIT RAWAL)  
JUDGE**

**December 01, 2017**  
Pankaj\*

Whether reasoned/speaking      Yes

Whether reportable                      No