

In the High Court of Punjab and Haryana at Chandigarh.

**RA-400 of 2017 in
CWP-12662 of 2017
Decided on 07.9.2017.**

Kaka Singh and others

--Applicants

Vs.

F.C.(Appeals) Punjab and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. R.D.Bawa, Advocate,for the applicants

Rakesh Kumar Jain,J: (Oral)

This application is filed for seeking review of the order dated 21.7.2017 and also challenging the orders dated 29.1.1992 and 13.9.1995 passed by D.D.P.O-cum Collector, Ropar and the Joint Development Commissioner,Punjab,passed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short,'the Act') on the basis of which the land in dispute has been mutated in favour of the Gram Panchayat and the petitioners have lost in the said proceedings, which order is under challenge basically in the writ petitions decided on 03.03.2016 (Annexure P-16) and 28.12.2016 (Annexure P-18). Therefore, these orders passed by this Court be recalled as the matter has to be heard by a Division Bench.

Learned counsel for the applicants has submitted that the land in dispute was evacuee property. On 16.6.1961, the Governor of Punjab decided that inferior evacuee land of the villages within the sites of the Indo-Pak Border will be utilized for the purpose of allotment to those who have to be given land under the Indo-Pak Agreement. If any area remains after the resettlement of the Indian estates,it may be utilized by resettling

the Rai Sikhs of Ferozepur District and suitable persons of Border areas of Gurdaspur and Amritsar District and ex-servicemen.

Learned counsel has submitted that the applicants belong to village Siswan in Mohali. According to him, the applicants were allotted this land as lessees. However, it is his positive case that the applicants have not become owners of the property in question. Hence, they were not impleaded as parties in the petition filed under Section 11 of the Act by the Gram Panchayat when it sought to seek declaration of their title over the land in question being owners.

Actually, the applicants have no right in the property in dispute much-less ownership, therefore, the mutation has rightly not been changed in their names and their petition has been dismissed. This is what I have held in my order dated 21.7.2017 that the lessees cannot challenge the right of ownership and may keep on enjoying their right as lessees until and unless dispossessed in accordance with law.

Thus, in my considered opinion, the review application is misconceived and the same is hereby dismissed.

07.09.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.