

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

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C.O.C.P. NO.1787 OF 2016

DATE OF DECISION: AUGUST 14, 2018

Malkit Singh and others

.....Petitioners

VERSUS

Deepinder Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harnek Singh Advocate,
for the petitioners.

Mr. Aditya Sharda, AAG, Punjab,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court, alleging violation of the order dated 15.01.2016 passed by this Court in Civil Writ Petition No.792 of 2016 (Malkit Singh and others Vs. State of Punjab and others), whereby this Court had directed the Deputy Commissioner, SAS Nagar, Mohali to call for the records; ascertain the correct facts and issue appropriate directions to the Gram Panchayat to act in the matter in accordance with Rule 6A (1) of the Punjab Village Common Land (Regulation) Rules, 1964 read with Section 5 of the Punjab Village Common Land (Regulation) Act, 1961, according to which 1/3rd of the land is to be leased out to the members of the scheduled caste community of the village.

Counsel for the petitioners contends that the petitioners, who belong to the scheduled caste category, are entitled to 1/3rd share of the land as detailed in the contempt petition. He has relied upon the proceedings dated 23.08.1989 (Annexure P-3) of the Gram Panchayat.

This plea of the petitioners was considered by this Court and an order dated 27.10.2017 was passed, which reads as under:-

“.....As per stand of the petitioners, the land in dispute is a shamlat deh and vests in Gram Panchayat and the same is being cultivated by certain persons.

The stand taken in the written statement is that the land in dispute was never auctioned for cultivation and is lying vacant.

It is also mentioned in the reply that the said land is “Gair-mumkin Nadi” and according to statutory provision under Rule 6 of the Punjab Village Common Land (Regulations) Rules, 1964, 1/3rd area of that land is reserved for members of Scheduled Caste.

The stand taken by the petitioners and respondent-State is contradictory and it would be in the interest of justice to ascertain the factual position of the land in dispute.

Accordingly, Director, Department Rural Development and Panchayat, Punjab is directed to depute any officer to ascertain the nature of land and file status report before the next date of hearing along with all details mentioning therein whether the same is being utilized for cultivation or has been given on lease or not.

Adjourned to 22.1.2018.”

In compliance with the said order, status report has been filed by the Director, Department of Rural Development and Panchayats. A perusal of the same would show that the Additional Deputy Commissioner (Development), SAS Nagar, had visited the site and also perused the record of the Gram Panchayat and has found the land to be lying vacant. It has further been stated that as per the record of the Gram Panchayat it has never been given on lease for the purpose of cultivation. As regards document, Annexure P-3, it has been stated that the said proceedings are not regarding the lease of land for cultivation to any person. It relates to the sale of wild grass (*Jhund/Sarkanda*) by way of open auction in the year 1989.

In view of the above discussion, the present contempt petition does not survive. The same, therefore, stands dismissed.

Rule issued against the respondents stands discharged.

August 14, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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