

Sr.No.343
IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-10707 of 1995(O&M)
Date of Decision: 22.03.2018

Arjan SinghPetitioner

versus

Joint Development Commissioner and othersRespondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present None for the parties.

MAHESH GROVER, J(ORAL)

There is no representation on behalf of the petitioner or the respondents.

Challenge is to the orders dated 04.04.1994 and 28.06.1995 (Annexures P3 and P4) passed by respondents no.1 and 2.

The land was described as *Jumla Mushtarkha Malkan*.

That being so, then the authorities under Public Premises Act, 1973 could not deal with the issue and the proper remedy would be under the authorities under Punjab Village Common Land (Regulations) Act, 1961.

Therefore, the instant petition is accepted. The impugned order is set aside on the ground that the authorities under the Public Premises Act, 1973 have no jurisdiction to pass the order for land which is specifically covered under the provisions of the Punjab Village Common Lands Act, 1961.

**(MAHESH GROVER)
JUDGE**

22.03.2018
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**(RAJBIR SEHRAWAT)
JUDGE**

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