

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

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**CR No.7768 of 2018(O&M)
Date of Decision: 10.12.2018**

Pawan and another

.....Petitioners

Versus

Gram Panchayat, Udeypur and ors

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Lokesh Sharma, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have challenged the order dated 26.9.2018, whereby the application under Order 7 Rule 11 CPC filed by respondent No.1, Gram Panchayat, was accepted.

At the time of issuance of notice of motion on 16.11.2018, following order was passed:-

“Learned counsel for the petitioners contends that in the event of rejecting the plaint on the ground of civil Court jurisdiction, trial Court ought to have returned the plaint for presentation before the competent Court.

Notice of motion for 10.12.2018, to respondents

No.1 to 4 only at this stage.

Dasti as well.”

It is a settled principle of law that when lis is between private individual and a gram panchayat in respect of vesting of land as *shamlat deh*, the jurisdiction of Civil Court is barred under Section 13 of the Punjab Village Common Land (Regulation) Act. Reference can be made to the Division Bench judgment of this Court in **Bhagu Ram and others vs. Ram Sarup and others, 1986 PLJ 366**. The same view was expressed by the Division Bench of this Court in **Sucha Singh Lambardar and others vs. Gram Panchayat and others, 2017 (2) Law Herald 1794** .

The only point remains for consideration is whether after rejection of the plaint by the Civil Court, the same can be returned to the plaintiff for proper presentation before the Court of competent jurisdiction in view of the decision rendered by this Court in **Ram Kumar @ Onkar vs. Gram Panchayat of Village Nangal Katha 1987 PLJ 235** and **Dhian Singh vs. Gram Panchayat of Village Paniar, 2016 (4) RCR (Civil) 339**, the plaint can be returned to the plaintiff for presentation to the proper court. The aforesaid course would be in consonance with legal parameters.

In view of the facts and circumstances of the case, since the plaint is being returned for proper presentation before

the competent officer/ Court, it would be just and expedient to order status quo for a period of one month only from today in order to enable the petitioner to file proper petition before the competent officer and to avail his legal remedies in accordance with law. It would be made clear that rigor of this order would vanish away after one month.

Petition stands disposed of accordingly.

December 10, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No