

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

**CWP No.7445 of 1995 (O&M)
Date of Decision: 28.08.2018**

Ajit Singh through his LRs-Nirmal Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Amit Jhanji, Advocate for the petitioners.

Mr. Shireesh Gupta, Sr. Deputy Advocate General, Punjab
for respondent Nos.1 and 2.

None for respondent No.3/Gram Panchayat.

MAHESH GROVER, J. (Oral)

This petition is directed against the order dated 11.01.1995 (**Annexure P-6**), passed by the Joint Development Commissioner (I.R.D.), Punjab (exercising the powers of the Commissioner). The petitioner claims to be the owner of the disputed land, by referring to a *Jamabandi*, which records him as a *Gair Marusi*. The Commissioner noticed that as per the entries in the *Jamabandis* for the year 1974-75 and 1984-85, the disputed land is shown as *Shamilat Deh* and Gram Panchayat as its owner.

The ownership of the Gram Panchayat was also challenged by the Punjab Wakf Board by filing a petition under Section 11 of the Punjab Village Common Lands (Regulations) Act, 1961 (*hereinafter to be referred as 'the Act'*), which has been rejected by the Collector and in an appeal, decided on 28.02.1985, the order of the Collector was upheld. The

petitioner then filed a suit under Section 11 on 23.05.1990, questioning the order dated 28.02.1985 to plead that he was recorded owner of the land in dispute. The Commissioner noticed that no record was produced in support of the ownership and considering that the identity of land in the earlier proceedings, initiated by the Punjab Wakf Board, was the same, wherein it was recorded that the disputed land is *Shamilat Deh* with Gram Panchayat as its owner, we would have absolutely no reason to record a finding to the contrary.

That apart, proceedings initiated by the petitioner under Section 11 of the Act to question the order dated 28.02.1985 would be a moot question. Evidently, the subsequent proceedings, initiated by the petitioner, against the order dated 28.02.2015, was impermissible. Reference to Annexure P-7, made by the petitioner, shows that the land has been recorded as *Shamilat Deh* with the petitioner as *Gair Marusi*. Even if we accept the same, it does not prove the ownership rights of the petitioner. There is no merit in the plea and hence in view of above, the present petition is dismissed.

(MAHESH GROVER)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

August 28, 2018
Gagan

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