

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.8575 of 1995 (O&M)

DATE OF DECISION : 2.5.2018

Dharmal and others

PETITIONERS

VERSUS

State of Haryana and others

RESPONDENTS

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

Present:- Shri Kulvir Narwal, Advocate for the petitioners.

Shri D.Khanna, Additional A.G. Haryana.

MAHESH GROVER, J.

The petitioners have impugned the orders dated 27.12.1993 and 26.9.1994.

Both the courts below had concluded that the land belongs to the Gram Panchayat and the petitioners had been unable to show any material to establish possession since their fore-fathers. It is argued before us that a question of title had been raised by the petitioners which was not considered by the Commissioner who vide order dated 26.9.1994 had rejected this plea as it was never raised before the Assistant Collector and went on to record that the kind of land i.e. shamlat panna jattan would vest in the Gram Panchayat by virtue of an

amendment made in February, 1992.

Before us, the petitioners plead partition of the land out of which 11 kanals 13 marlas had been given to them and contend that there is no counter denial to it by the Gram Panchayat and the State. We notice that such a plea has been raised for the first time in writ proceedings which is impermissible.

In view of the fact that no infirmity has been shown in the impugned orders, we decline interference, but since the petitioners raise a question of title and partition, we would still grant them liberty to take recourse to their remedies in law to establish such a plea.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJBIR SEHRAWAT)
JUDGE

May 2, 2018
GD

Whether speaking/reasoned	Yes
Whether reportable	Yes/No