

210

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

**CWP No. 13811 of 2016 (O&M)
Decided on: 26.04.2018**

Hamid Khan

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab.

Mr. Kuldeep Singh, Advocate
for respondent No. 4.

MAHESH GROVER, J(ORAL)

This petition has been filed under Article 226 of the Constitution of India whereby the petitioner states that the land comprising in Khasra No. 79//1(5-7) was declared as a graveyard in proceedings under Section 11 of the Punjab Village Common Lands Act initiated by two residents of the village in the year 1995 and determined in the year 1998. A perusal of this order shows that it is totally vague and unsustainable considering that the description of the land was not given. This was used as a tool by the petitioner to assert right over the land. Eventually, the private respondents in the writ petition who were claiming ownership on the basis of a sale deed through Ram Pal questioned this order, which was accepted by virtue of the impugned order that has been challenged by the present petitioner.

We have repeatedly asked the petitioner to show the revenue records that would establish the disputed area to be a graveyard as claimed by him. Except to rely on that order Annexure P-1, no revenue record has been placed before us or before the authorities. In this eventuality, when we have already commented on the perversity of the order Annexure P-1 which does not detail the land, we are of the opinion that in the absence of such clarity the order Annexure -P-1 cannot be said to definitely relate to the disputed land comprising Khasra No. 79//1(5-7). If that be so then in the absence of any further record establishing the land to be a graveyard, it would be extremely difficult for us to accept the claim of the petitioner.

In view of the above, the instant petition stands dismissed.

(MAHESH GROVER)
JUDGE

(RAJBIR SEHRAWAT)
JUDGE

26th April, 2018
shabha

<i>Whether speaking/reasoned</i>	-	<i>Yes/No</i>
<i>Whether reportable</i>	-	<i>Yes/No</i>