

CWP no. 14481 of 2018 (O&M) 1

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

CWP no. 14481 of 2018 (O&M)

Date of Decision : 31.05.2018

Ranbir Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present : Mr.Keshav Pratap Singh, Advocate for the petitioner(s)

MAHESH GROVER, J.(ORAL)

The petitioner impugns the orders dated 28.11.2014, 19.8.2016 and 23.2.2018. The last order dated 23.2.2018 has been passed by the Commissioner in appeal. In proceedings under Section 7 of Punjab Village Common Land Act before the Assistant Collector the petitioner defaulted after filing his written statement.

It is stated before us that the default was at the argument stage. The Assistant Collector passed an ex-parte order against the petitioner and in appeal the order was upheld.

Learned counsel for the petitioner contends that the demarcation report of 2005 has been taken into consideration with which he was not associated.

To a pointed question as to whether he had made any application for re-demarcation during the proceedings before the Assistant

Collector, the answer is in the negative.

If that be so, when the petitioner during the proceedings under Section 7 before the Assistant Collector did not make any attempt to even adduce any evidence or ask for a fresh demarcation, the findings recorded by the authorities that the land in question is Gair Mumkin Johar cannot be faulted. No evidence has been led by the petitioner to substantiate his claim. Therefore, looking at the facts in totality and the fact of petitioner himself not questioning the demarcation report of 2005 by asking for a fresh demarcation, we are of the opinion that the impugned order would not warrant any interference. Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

31.05.2018
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Rajbir Sehrawat)
Judge