

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

CWP No.19294 of 2017

Date of Decision : 17.05.2018

Gram Panchayat Sanghol

....Petitioner

Versus

State of Punjab and others

....Respondents

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

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

Ms.Anu Pal, AAG, Punjab.

MAHESH GROVER, J. (Oral)

By this order we will dispose of the present petition along with 20 other connected petitions, list of which is attached with it.

The petitioner in all the writ petitions before us is Gram Panchayat Sanghol which invoked proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 seeking the eviction of private respondents by alleging that they were in possession of *Shamlat* land which was in fact given to them on the strength of resolution dated 24.06.1982, passed by the erstwhile Sarpanch of the Gram Panchayat, who was in collusion with them.

The private respondents pleaded valid possession and contended that the Gram Panchayat was never in possession of the land nor it had been reserved for any common purposes. They also pleaded prolonged possession since 1981-82 after the payment of Rs.500/- per plot and thus contended a permanent allotment in their

favour.

Both the Courts below concluded that in the area in dispute measuring about 9 Marlas (the size probably may vary in the individual cases) there was construction of residential houses for the last many years. The resolution dated 24.06.1982 was considered to be legitimate as also the possession on the strength thereof.

There is material to show that the Gram Panchayat passed another resolution on 07.01.2011 to the effect that if the private respondents deposit the price of the land with the Gram Panchayat as per the Collector rate, the Panchayat would have no objection in giving ownership rights to the occupants.

The competent authority then concluded that if the private respondents deposit the government price for 9 Marlas land in dispute which comes to 9/982 share, the ownership rights be given to the occupants.

Before us learned counsel for the petitioner had contended that there were no residential houses, in fact shops had been constructed by the occupants. To be factually correct, we had asked for a report from the Deputy Commissioner, Fatehgarh Sahib, who has since responded to the mandate of the Court and in his report has stated that the structures on the disputed area are largely shops with one or two houses and few plots which are vacant. We would have no reason to disagree with the report of the Deputy Commissioner particularly when there is no objection from the petitioner who rather sees it as supportive to his cause.

After hearing the learned counsel for the petitioner, we are of the opinion that all these writ petitions do not merit any interference., The prolonged possession of the private respondents flowing from a resolution dated 24.06.1982 of the Gram Panchayat cannot be unsettled by the petitioner at this stage particularly when the said occupants have been put to terms to have ownership rights of the sites subject to their depositing price at the collector rate.

One of the reasons that persuaded us to negate the plea of the Gram Panchayat is that the possession flowed from a valid resolution of the Gram Panchayat passed in the year 1982 and the occupants have since then constructed shops, invested money in the structures and are eking out a livelihood therefrom. There would thus be no ground to interfere, but before parting with the order, we direct the Deputy Commissioner, Fatehgarh Sahib to instantaneously determine the price of the sites within a period of one month from today and put the occupants on notice qua the payment thereof to be paid within a period of four months thereafter. The necessary procedure for ownership etc. in accordance with law be followed.

All the petitions stand dismissed.

(MAHESH GROVER)
JUDGE

17.05.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

LIST OF CONNECTED CASES

1. CWP-19341-2017 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
2. CWP-27499-2017 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
3. CWP-27891-2017 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
4. CWP-29382-2017 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
5. CWP-1145-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
6. CWP-1199-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
7. CWP-1867-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
8. CWP-1922-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
9. CWP-1927-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
10. CWP-1930-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
11. CWP-1932-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
12. CWP-1948-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
13. CWP-2047-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
14. CWP-2060-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
15. CWP-2072-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
16. CWP-2087-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
17. CWP-2366-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
18. CWP-2386-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
19. CWP-2403-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.
20. CWP-2765-2018 GRAM PANCHAYAT SANGHOL V/S STATE OF PUNJAB & ORS.