

CWP No.23629 of 2017 (O & M)
CWP No.24079 of 2017 (O & M)

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

1. CWP No.23629 of 2017 (O & M)
Date of Decision: 05.12.2018

Angrej Singh

.....Petitioner

Vs.

State of Punjab and others

..... Respondents

2. CWP No.24079 of 2017 (O & M)

Angrej Singh

.....Petitioner

Vs.

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present: - Mr.G.S. Saini, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J.

This order shall dispose of two writ petitions bearing CWP-23629-2017 titled as Angrej Singh versus State of Punjab and others (hereinafter referred to as 'first petition') and CWP-24079-2017 titled as Angrej Singh versus State of Punjab and others (hereinafter referred to as 'second petition') as both the petitions have been filed to challenge the

orders passed against the petitioner on an application filed under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 ('Act' - for short) by which the petitioner has been ordered to be evicted from the land in question and has been burdened with penalty.

In brief, the first petition is filed against the order dated 03.01.2011 by which suit filed under Section 11 of the Act by the petitioner seeking declaration that he is owner in possession of the land comprised in khasra No.406 (5-12) situated in the revenue estate of village Kabar Watcha, Tehsil and District Ferozepur was dismissed by the Collector and the order dated 19.05.2017 by which appeal filed by the petitioner was dismissed, ultimately holding that the Gram Panchayat is the owner of the land in question. The second petition is directed against the order dated 23.08.2013 by which application filed by the Gram Panchayat under Section 7 of the Act in respect of the aforesaid land i.e. falling in khewat No.511, khatoni No.1077, rect. No.406 bearing 5 kanal 12 marla was allowed and the petitioner was burdened with liability to pay a fine of ₹20,000/- per acre, per year for the last three years along with ten times and handover the possession to the Gram Panchayat within 30 days and the order dated 19.05.2017 by which appeal filed against the said order by the petitioner was dismissed. Since the petitioner has failed to prove his ownership over the land in dispute about which he had filed a suit under Section 11 of the Act and has also been found in illegal possession of the Gram Panchayat's land, therefore, the petitioner has filed both the petitions together. However, the first petition is being decided earlier than the second petition because if the petitioner proves his title over the land in question

unauthorized occupant would become redundant.

Although learned counsel for the petitioner has vehemently argued that the petitioner is the owner in possession and the findings were wrongly recorded by the Courts below in all jamabandis of the year 1966-67, 1983-84, 1988-89, 1993-94, 1998-99, 2003-04 and 2008-09, the land in dispute, has been shown as 'Gaoha Khad', reserved for common purpose of the village. The petitioner has not produced any evidence to show that he was one of the proprietors even if 'Makbuja Malkhan' is mentioned in the 'jamabandi'.

The argument of the learned counsel for the petitioner about the penalty imposed by the impugned order challenged in the second petition, we are of the considered opinion that since the petitioner has not been proved to be the owner of the land in question which is being used by him for such a long time, therefore, he is liable to pay the penalty as imposed, which does not call for interference by this Court. No other point has been raised.

Thus in view of the aforesaid facts and circumstances, both the petitions are hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

05.12.2018
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No