

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No26388 of 2017

Date of Decision: January 15, 2018

Sudheer

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Gaurav Singla, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner raised a claim for the release of his land measuring 1 bigha 14 biswa which was acquired by the State of Haryana vide notifications dated 02.01.2002 and 24.12.2002 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, for the purpose of its utilization as residential and commercial Sectors-9, Part-32 and Part-33, Karnal. The said claim has been rejected vide impugned order dated 09.08.2016 (P-11) on the ground that the above-stated land was *shamlat deh* which vests in the Gram Panchayat under Section 4 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana and as such the petitioner has no locus-standi to seek benefit of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013. The other ground assigned in the impugned order is that a substantial part of compensation amount has been paid to the land-owners/claimants and possession of the land had also been taken by HUDA where plots have been carved out and residential sectors have been developed.

We have heard learned counsel for the petitioner and gone through the record.

The first hurdle which the petitioner needs to cross is whether or not he is the owner/interested person in the land in dispute which is described as *shamlat deh*. Any dispute between the Gram Panchayat and a proprietor in respect of title of the land and as to whether or not it vests in Gram Panchayat can be adjudicated by the Court of Collector under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 as jurisdiction of the Civil Court is expressly barred. In this view of the matter, we dispose of this writ petition at this stage relegating the petitioner to the above-stated remedy to get the declaration of his title. Needless to say that if the petitioner is held to be owner of the land in question, he will be at liberty to re-agitate the matter in accordance with law.

Dasti.

(SURYA KANT)
JUDGE

January 15, 2018
mohinder

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No