

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

CWP No.24810 of 2018

Date of Decision : 27.09.2018

Sharwan Kumar

....Petitioner

Versus

Commissioner, Karnal Division, Karnal
and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

.....

Present: Mr.Jyoti Parshad Sharma, Advocate
for the petitioner.

....

MAHESH GROVER, J. (Oral)

The petitioner prays for quashing of orders dated 22.03.2018, 03.05.2011 and 07.12.2000 which hold the petitioner to be in unauthorised possession of Gram Panchayat land, as a consequence his eviction.

Initially in proceedings initiated under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 by the residents of the village against Satpal, Joginder and Pala, an order was passed holding them to be in unauthorised occupation of Gram Panchayat land. This order of the Asstt. Collector dated 07.12.2000 was carried in execution where it was discovered that in fact the persons arrayed as respondents in Section 7 proceedings were not in unauthorised occupation but it was the petitioner instead. The petitioner then filed objections which were declined vide order dated 04.11.2003. This order was challenged by the petitioner after a gap of

six years by filing CWP-5599-2009, which was dismissed as withdrawn but with liberty to the petitioner to challenge the order passed by the Asstt. Collector in the year 2000. This Court observed that if the petitioner chooses to challenge that order, the same shall be decided on merits even by taking into consideration the aspect of limitation. For the purpose of reference the said order is extracted herebelow :-

“This will not be taken as permission by the court to enable the petitioner to challenge the order which is passed in the year 2000. If the petitioner challenges this order, the same will have to be decided on merits even by taking into consideration the aspect of limitation.”

Subsequent to this, the petitioner challenged this order before the Collector, Karnal who dismissed the same vide order dated 03.05.2011. This order was then impugned by the petitioner after a gap of six years before the Commissioner, Karnal Division, Karnal who has now declined interference vide the impugned order dated 22.03.2018.

Learned counsel for the petitioner at the outset contends that there is no order adverse to him and consequently he cannot be dispossessed.

We are of the opinion that the petitioner certainly labors under a wrong impression. The initial order of 2000 passed by the Asstt. Collector was certainly not against the petitioner, as concededly he was not arrayed as a party but once liberty was granted to challenge the said order, which he did resulting in the order of the

Collector adverse to him, it cannot be said that there is no order adverse to him. We also notice that the petitioner has been unable to show his legitimate possession. Besides, even after the dismissal of his objections he chose to file a petition after much delay even though this court granted him indulgence by virtually condoning the lapse. He committed a further default by impugning the order of the Collector passed in the year 2011 in 2017 i.e. after a lapse of six years. It is noticed in the order of the Commissioner that possession has been retrieved from the petitioner. Be that as it may, the fact remains that the petitioner has been unable to show his legitimate possession. Besides, he was lax in taking recourse to his remedies.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

27.09.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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