

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

CWP No.28432 of 2018
Date of Decision:21.11.2018

Pala Ram and another

. Petitioners

Vs.

State of Haryana and others

. Respondents

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

Present: - Ms. Raina Sabharwal Thakur, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 26.9.2017 passed by the Collector, Kaithal by which their suit filed under Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] against the Gram Panchayat was dismissed and the order dated 27.6.2017 by which their statutory appeal filed before the Commissioner, Karnal Division, Karnal was also dismissed.

In brief, the petitioners filed a suit under Section 13A of the Act before the Collector in respect of land measuring 76 Kanals 19 Marlas situated in village Nauch Tehsil & District Kaithal for declaration of their title as owners in possession to the extent of their shares. The petitioners have alleged that they are co-owners in possession of the land being Mushtarka Malkan Hasab Rasad Jere Khewat. After taking into consideration the documentary evidence, tendered by both the sides, the Collector came to the conclusion that the petitioners have failed to prove their share in the land in question, as to how much land was reserved for the

common purpose at the time of consolidation and that the petitioners were in possession to the extent of their shares on the disputed land since 26.1.1950 without paying any rent/lease money. He has referred to jamabandi for the year 1961-62 (Exhibit DB) and 1966-67 (Exhibit DC) in which in the column of ownership, the name of Gram Panchayat is recorded instead of Makbuja Malkan (proprietors).

In appeal, the Commissioner had also come to the conclusion that the appellants (petitioners herein) have failed to prove their ownership over the land in dispute.

Learned counsel for the petitioners has failed to raise any meaningful argument for the purpose of assailing the validity of the impugned orders passed by both the revenue authorities after taking into consideration the revenue record produced before them.

Thus in view thereof, we do not find any merit in this petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

21.11.2018
Vivek

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