

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

CWP No.31054 of 2018

DATE OF DECISION:07.12.2018

Rashpal Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Vikram Singh, Advocate
for the petitioner.

MAHESH GROVER, J. (Oral)

This petition is filed against orders dated 19.01.2016
(Annexure P-4) & 21.09.2018 (Annexure P-6).

Proceedings under Section 7 of the Punjab Village Common
Lands (Regulation) Act, 1961 were initiated by the Gram Panchayat
seeking eviction of the petitioner from the disputed land as it belong to
them.

Allegations were made against the petitioner that he had
unauthorisingly encroached this land. The District Development and
Panchayat Officer-cum-Collector passed the order at the first instance
holding the petitioner to be in unauthorised occupation of the land. He
concluded that the disputed land on the basis of demarcation reports dated
02.01.2013 & 21.11.2013 is owned by the Gram Panchayat and falls
within the definition of Section 2(G) of the Act reserved for common
purposes/development works of the village. We emphasise this fact for the
reason that during the course of arguments, learned counsel for the
petitioner vehemently argued that there was no demarcation report which

proceeded the initiation of proceedings under Section 7 of the Act and the contention is falsified by the record itself. The appellate authority concluded likewise and also observed that the petitioner failed to show that his possession was legitimate.

Learned counsel for the petitioner contends that it was for the Gram Panchayat to establish his unauthorized occupation and the simple production of Jamabandies to reflect ownership would be no ground to conclude against him.

We are of the opinion that this argument is completely misplaced as once the Gram Panchayat established its ownership and also proves by way of demarcation reports that a person has occupied the land which belongs to them there would be no other conclusion except the one arrived at by the authorities below that the petitioner is in an unauthorized occupation in the wake of the demarcation reports and the jamabandies. It was up to the petitioner to show that his possession was legitimate either under lease or licence or any other arrangement. Having failed to produce any justifiable material in this regard, the orders passed by the authorities below cannot be termed to be erroneous. No ground is made out to interfere in the orders of the authorities below.

Dismissed.

(MAHESH GROVER)
JUDGE

07.12.2018
rimpal

(LALIT BATRA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No