

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

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**1.** **CWP No.386 of 2018 (O&M)**  
**Date of Decision:27.11.2018**

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Randhir Singh

. . . . . Petitioner

Vs.

The State of Haryana and others

. . . . . Respondents

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**2.** **CWP No.432 of 2018 (O&M)**

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Madan Lal (Deceased) through his Lrs.

. . . . . Petitioners

Vs.

The State of Haryana and others

. . . . . Respondents

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

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Present: - Mr.Ashok Kumar Verma, Advocate,  
for the Petitioner(s).

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***RAKESH KUMAR JAIN, J.***

This order shall dispose of two petitions bearing **CWP No.386 of 2018** titled as ***“Randhir Singh Vs. The State of Haryana and others”*** [for short ‘the 1<sup>st</sup> petition’] and **CWP No.432 of 2018** titled as ***“Madan Lal (deceased) through his LRs Vs. The state of Haryana and others”*** [for short ‘the 2<sup>nd</sup> petition’] as the issues involved in both the petitions are common. However, for the sake of convenience, the facts are being extracted from the 1<sup>st</sup> petition.

The petitioner has challenged the judgment and decree dated 27.2.2007 passed by the District Collector, Fatehabad by which suit filed by Sardul Singh (since deceased) father of the petitioner, for seeking declaration of his title over the land in question, falling in Khasra No.96//11

Min (2-0), 20 (8-0), 21 (8-0), 116 Min (5-8), 11 Min (2-0) total measuring 23 kanals 8 marlas, situated in Village Bhattu Khurd, Tehsil and District Fatehabad was dismissed and judgment and decree dated 21.4.2009 by which appeal filed by him was dismissed by the Commissioner, Hisar Division, Hisar and the order dated 8.2.2017 by which revision petition filed by him was dismissed by the Financial Commissioner, Haryana.

In brief, the predecessor-in-interest of the petitioner, namely, Sardul Singh (deceased) filed a suit under Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961 for declaration of his title as a proprietor on the land in question claiming it to be a bachat land, entered as 'Jumla Mustarka Malkan Wa Digar Haqdaran Arazi Hasad Rasad Raqba', in the revenue records. In the said suit, the issue was framed "as to whether the suit land vests in the proprietors of the village and mutation No.1788 dated 31.5.1995 sanctioned in favour of the defendant Gram Panchayat is illegal and void". The Collector, Fatehabad vide his impugned judgment and decree observed that the land in question was reserved for common purposes at the time of consolidation, therefore, it would vest in the Gram Panchayat. Aggrieved against the judgment and decree of the Collector, Fatehabad, the petitioner filed the statutory appeal which was also dismissed on the same ground. Still aggrieved, the petitioner preferred a revision petition before the Financial Commissioner wherein it has been held that during the consolidation proceedings, the land of Jumla Mustarka Malkan was reserved and earmarked for pond and Panchayat deh and not specifically for the income of the Gram Panchayat. Therefore, it would vest in the Panchayat for using it for the common purposes.

The petitioner has filed miscellaneous application bearing CM No.5456 of 2018 to place on record the relevant extracts of entry No.4

of Scheme Istemaal, Hadbast No.120, Village Bhattu Khurd, Tehsil Fatehabad, District Hisar as Annexure P-15/T. The application is allowed.

Learned counsel for the petitioner has argued that the land in question has been shown in the area of Panchayat deh and is not reserved for the common purposes whereas it has been specifically mentioned in Column No.16 of the Scheme that area measuring 576.6 std. area has been reserved for joint use under Entry No.4 which means that the said area has been kept for the common purposes which comprises of the land in dispute as well. The document, Annexure P-15/T, rather strengthens the case of the respondent/Gram Panchayat as it has been held by all the authorities that the land in question has been kept reserved, at the time of consolidation, to be used for the common purposes and thus it would vest in the Gram Panchayat and not in the proprietors.

No other point has been raised.

In view of the aforesaid facts and circumstances, we do not find any merit in the present petitions for the purpose of interference and hence, the same are hereby dismissed.

A photocopy of this order be placed on the file of connected case.

**(RAKESH KUMAR JAIN)**

**JUDGE**

**(ANUPINDER SINGH GREWAL)**

**JUDGE**

**27.11.2018**

*Vivek*

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

*Whether Reportable* : *Yes/No*