

Sr.No.106

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.9621 OF 2017(O&M)

Date of Decision: 06.08.2018

Tarsem Lal and othersPetitioners

versus

State of Punjab and othersRespondents

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

Present Mr.M.S.Sajjan, Advocate for the petitioners.

MAHESH GROVER, J(ORAL)

The petitioners impugn the orders dated 26.08.2016 and 29.10.2009, on record as Annexures P6 and P4.

The petitioners have been declared to be in unauthorized occupation of the land in dispute. The impugned order would show that the petitioners were initially permitted to use the land under the rent agreement which, however, is not on record. It is not in dispute that the land vests in the Gram Panchayat. In the year 1985, the petitioners had filed a petition before the Collector, Jalandhar (on 14.07.1985, decided on 12.12.1995) permitting the petitioners use of land subject to deposit of compensation / rent assessed at Rs.1262.50 ps. which was deposited by the petitioners but subsequent thereto, no amount was deposited. Although a reference is being made to a receipt of 2011 of some payment made in the year 2011.

The Gram Panchayat initiated proceedings under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 of the petitioners for not depositing the amount of rent and clinging on to the possession and also noticing illegal construction on the land which was

CWP NO.9621 OF 2017(O&M)

-2-

given out primarily for agricultural purposes.

Before the authority below, a finding has been recorded that the petitioners themselves admitted that they were using the land in dispute but failed to deposit the rent for number of years. Since the land concededly belongs to the Gram Panchayat and the petitioners failed to deposit the rent they have rendered themselves liable for eviction.

We are of the opinion that no interference is warranted, once the petitioners have used the land over a number of years without payment to the Gram Panchayat. Since the land concededly belongs to the Gram Panchayat, it would be very well within its rights to utilize the same for the benefit of the village. The petitioners then argued that they have made an application for grant of ownership rights in terms of the policy Annexure P10. A perusal of the policy would indicate that it is not applicable as it pertains only to State Government land.

No ground for interference is made out.

Dismissed.

(MAHESH GROVER)
JUDGE

06.08.2018
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No