

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

1. RSA No.2563 of 2011 (O&M)
Date of decision : 09.08.2018

Chairman, Block Samiti Naushehera Pannuan

...Appellant

Versus

Arjan Singh and others

...Respondents

2. RSA No.788 of 2011 (O&M)
Date of decision : 09.08.2018

Gram Panchayat Village Naushehra Pannuan

...Appellant

Versus

Arjan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Chawla, Advocate for the appellant
(In RSA No.2563 of 2011)
for respondent No.5 (In RSA No.788 of 2011)

Mr. G.S. Nagra, Advocate for respondent Nos.1 to 3
(In both the appeals)

Mr. Anupam Bhardwaj, Advocate for respondent No.4
(In RSA No.2563 of 2011)
for appellant (In RSA No.788 of 2011)

ANIL KSHETARPAL, J. (ORAL)

CM No.12349-C of 2018 in RSA No.2563 of 2011

Application is allowed, as the order passed by the competent

Court of jurisdiction is sought to be placed on file. No reply to the application has been filed.

This Court is of the view that the aforesaid order would help the Court in adjudicating the appeal.

Main cases

Two defendants have filed two separate appeals against the judgment passed by the learned First Appellate Court granting the injunction from forcible dispossession to the plaintiffs-respondents.

The plaintiffs had filed a suit claiming that they are owners in possession of the land measuring about 6 marlas which is alleged to be the part of the *abadi* (residential area).

The defendants including Gram Panchayat contested the suit and pleaded that the land is comprised in khasra No.209, measuring 191 kanals and 6 marlas which is owned by the Gram Panchayat and with the help of the Gram Panchayat, the Veterinary Hospital has been constructed and the land is part thereof.

Learned First Appellate Court found that the Veterinary Hospital is on the eastern side of the property in dispute. Thus, finding the plaintiffs to be in possession of the property, the First Appellate Court granted the injunction against the forcible dispossession.

The Gram Panchayat initiated the proceedings under section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to Punjab seeking eviction of the plaintiffs-respondents in the present suit land measuring 6 marlas.

Learned counsels do not dispute that the land involved in the

aforesaid litigation and the land in dispute in the present case is same. The aforesaid application has been dismissed by the learned Collector-cum-District Development and Panchayat Officer, Tarn Taran vide order dated 28.02.2012.

In view of the aforesaid order, at least one fact is confirmed that the plaintiffs-respondents are in possession. It is undisputed that the jurisdiction to decide the question of title exclusively vests with the Collector under Section 11 of the Act of 1961 as applicable to the Punjab.

Now only remedy for the Gram Panchayat or anyone else is before the Competent Court to file a petition, if so advised to get the question of title determined and decided and thereafter proceed.

Keeping in view the aforesaid facts, this Court does not find any ground to interfere with the judgment passed by the learned First Appellate Court.

Both the Regular Second Appeals are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

09.08.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No