

Gram Panchayat Munshiwali

.....Petitioner

Versus

Surja Ram and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Sahu, Advocate,
for the appellant.Mr. Ashwani Verma, Advocate,
for respondents No. 1 to 6 and 14.**ANIL KSHETARPAL, J. (Oral)**

Gram Panchayat is in appeal against the judgments passed by both the Court below. Learned First Appellate Court while dismissing the suit, has recorded as under:-

“Moreover, by virtue of impugned civil Court Judgment and decree dated 20.12.2002 only the appellant were restrained from interfering in the possession of the respondents no. 1 and 2. If the respondents no. 1 and 2 are unauthorized occupant over the suit property or there is any question of title, then the appellant has remedy to approach the appropriate forum for the removal of unauthorized possession or getting the question of title decided, however, in a separate suit no such question can be decided. So, this contention of learned counsel for the appellant is just misconceived.”

Learned counsel for the respondents does not dispute this position and submits that the Gram Panchayat can be permitted to file a title suit

in accordance with Section 13-A of the Punjab Village Common Land

(Regulation) Act 1961, as applicable to State of Haryana and after getting the decision on title, the competent authority can pass a decree for possession.

Section 13-A is extracted as under:-

“13-A. Adjudication. -- (1) Any person or in the case of a Panchayat, either the Panchayat or its Gram Sachiv, the concerned Block Development and Panchayat Officer, Social Education and Panchayat Officer or any other officer duly authorised by the State Government in this behalf, claiming right, title or interest in any land or other immovable property vested or deemed to have been vested in the Panchayat under this Act, may file a suit for adjudication, whether such land or other immovable property is shamilat deh or not and whether any land or other immovable property or any right, title or interest therein vests or does not vest in a Panchayat under this Act, in the Court of the Collector, having jurisdiction in the area wherein such land or other immovable property is situated.

Provided that no suit shall lie under this section in respect of the land or other immovable property, which is or has been the subject matter of the proceedings under section 7 of this Act under which the question of title has been raised and decided or under adjudication.

(2) The procedure for deciding the suits under sub-section (1) shall be the same as laid down in the Code of Civil Procedure, 1908 (5 of 1908).”

respondents, the appeal is disposed of while permitting the Gram Panchayat to file a suit under Section 13 (A) of the Act of 1961 and if the Court finds that Panchayat's land falls within the definition of *Shamlat Deh*, the competent authority would be at liberty to pass decree for possession, subject to right to appeal.

Disposed of, accordingly.

30.10.2018

Ajay Goswami

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No