

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4005 of 2016 (O&M)

Date of decision : 06.10.2018

Shanti Devi and another

...Appellants

Versus

Gram Panchayat Nangal Mundi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajit Kumar Sharma, Advocate for
Mr. Ram Darshan Yadav, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

In the considered opinion of this Court, the present suit filed by the plaintiffs is a gross abuse of the process of the Court. It is undisputed that the proceedings under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter to be referred as “the Act of 1961”) were initiated against the plaintiffs which were allowed on 21.10.1991. An appeal against the same was dismissed and even revision petition before the Commissioner was also dismissed.

Even thereafter the plaintiffs have filed the present suit. It is well settled that the orders passed by the authorities under the Act of 1961, cannot be questioned before the Civil Court. The remedy for the party is to file a suit under Section 13-A of the Act of 1961.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

06.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No