

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.783 of 2019

Date of Decision:-07.05.2019

Sube Singh.

.....Petitioner.

Versus

**Financial Commissioner-cum-Principal Secretary, Department of
Revenue, Haryana & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Rajnish K. Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The Gram Panchayat Chanana, Tehsil Tosham, District Bhiwani filed a title suit against 143 proprietors of the Village including the present petitioner with the prayer that the land in dispute described as *Jumla Mushtarka Malkaan* being used for common purposes comprised in Khewat No.207/292, Khatoni No.441 to 505, Kitta No.241 total measuring 1211 Kanals 18 Marlas is under the ownership of Gram Panchayat Chanana and the mutation entered in favour of the proprietors pursuant to a non existent decree was illegal. The said title suit was decided in favour of the Gram Panchayat vide order dated 25.08.2009 passed by Collector Bhiwani (P-1).

The appeal filed by 68 Proprietors was dismissed vide order dated

findings in favour of the Gram Panchayat. Some of the proprietors still dissatisfied challenged the aforesaid P-1 & P-2 by filing CWP No.17981 of 2010 which was subsequently, simplicitor got dismissed as withdrawn with liberty to file an application i.e. a title suit under Section 13A of The Punjab Village Common Lands (Regulations) Act, 1961 vide order dated 10.11.2010 (P-3) passed by this Court.

It is not understandable as to how the second round of litigation on the issue which already stood decided in favour of Gram Panchayat and thus operating as “Resjudicata” could be got filed by some proprietors.

Some of the aforesaid proprietors i.e. 66 in number filed a fresh title suit with regard to 855 Kanals 15 Marlas only out of the aforesaid total land, now described as *Shamlat Deh* in view of the amendment under the definition of *Shamlat* since the year 1992. The said suit was dismissed vide order dated 21.05.2015 (P-4) and the findings recorded in favour of Gram Panchayat were further confirmed by the Appellate Order dated 6.3.2018 (P-6) passed by Commissioner, Rohtak Division.

Petitioner along with other proprietors claimed to have filed ROR No.538 of 2018 assailing the aforesaid orders (P-4 and P-6). Since the stay application was not decided and the Gram Panchayat was seeking to reclaim the possession, the petitioner was constrained to file the instant writ petition.

Prayer in the present writ petition, *inter alia* is for a direction for the decision of the pending revision against the findings in a title suit in a time bound manner.

At the time of hearing, realising that the possession cannot be

reclaimed in the absence of any eviction order, counsel for the petitioner prays for permission to withdraw the present writ petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 07, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>