

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

CWP 2218/2019

Date of decision: 27.02.2019

Harbhajan Singh

.....Petitioner

v.

Director, Rural Development and Panchayat, Punjab and others

.....Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
 Hon'ble Mr. Justice Arun Kumar Tyagi**

Present:- Mr. Mohit Jaggi, Advocate for the petitioner.

Jaswant Singh, J. (Oral).

Petitioner-Harbhajan Singh- by way of this writ petition seeks quashing of order dated 2.3.2017(P-5) vide which he has been ordered to be evicted from land bearing khasra no.122(0-10) situated in Village Saroya, Tehsil Balachaur, Distt., SBS Nagar, by Collector-cum-DDPO, SBS Nagar, after having been found in unauthorised possession of the same. Further prayer is to quash order dated 9.11.2018 (P-7) passed by Director Village Development and Panchayat Department, Mohali, exercising the powers of Commissioner whereby appeal under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 filed by petitioner against order P-5, stands dismissed.

Learned counsel for the petitioner submits that the land in dispute is kept reserved for scheduled caste and appellant also belongs to scheduled caste and had been using the land as *Bara*. To substantiate his plea, reliance has been placed upon Annexures P-1 and P-2 which are copies of the revenue records for the year 1997-98 and 2012-2014 respectively.

After hearing the learned counsel for the petitioner and going through the paperbook, we do not find any merit in the submission of the

learned counsel for the petitioner.

A perusal of Annexures P-1 and P-2, which are copies of the revenue record, reveals that in the column of “Name of Owner” Panchayat Deh is recorded while in the column of “Name of Cultivator” it is recorded as “Makbuja Ad Dharmi and others or Khak Roba”. Further in the column of “Area and Type of Land” it is recorded as “Gair Mumkin constructed Abadi”.

The Collector-cum-DDPO, SBS Nagar in the impugned order P-5 has rightly recorded that the land in dispute is to be used for purposes of Ad-dharmis and not for any single individual nor is it allotted to any person or moreso to petitioner. Learned Collector on the basis of evidence led before him has given categoric findings that land in dispute is Panchayat Deh under the ownership of the Gram Panchayat,Saroya and petitioner has illegally occupied the same.

No material has been produced before us to hold that the findings returned by the Collector and upheld by Commissioner are illegal or perverse so as to quash impugned orders Annexures P-5 and P-7.

In view of the above,finding no merit in this writ petition the same is hereby dismissed.

(Jaswant Singh)
Judge

27.02.2019
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No