

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

CWP-8024-2019

Date of Decision: 26.09.2019

Mangta Singh and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

Present: - Mr.Vikas Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The brief facts of the case are that a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] was filed by the petitioners for seeking a declaration that they are the owners in possession of land falling in Khewat No.445, Khatoni No.744, Khasra No.99, Killa No.2/2 (4-0), 7 (8-0), 8 (8-0), 13 (8-0), 14 (8-0), 18 (8-0), 19 (8-0), 22 (8-0), 23 (8-0), 24 (8-0) situated in Village Sheron Bagha, Tehsil Baba Bakala, District Sri Amritsar Sahib. The said petition was accepted by the Collector vide his order dated 4.12.1995. The Gram Panchayat challenged that order in appeal before the Commissioner. The appeal was allowed on 06.07.2006 and the case was remanded back to the Collector to decide afresh after giving an opportunity to the parties to produce their fresh evidence. After the remand, the Collector allowed the petition vide his order dated 15.2.2008. The Gram Panchayat again filed the appeal before the Commissioner which was allowed vide order dated

2.11.2018. The petitioners have thus challenged the order dated 02.11.2018 in this petition.

Counsel for the petitioners has submitted that the petitioners are in possession before 26.1.1950 and has referred to the jamabandis Ex.P-1 to P-3. It is submitted that the names of the predecessor-in-interest of the petitioners is recorded in the column of cultivation. Counsel for the petitioners has, thus, relied upon Section 2(g)(viii) of the Act in order to exclude the land from the definition of *shamilat deh*.

We have heard learned counsel for the petitioners and after examining the record, are of the considered opinion that the petitioners do not fulfill the mandatory requirements of Section 2(g)(viii) of the Act as they have failed to prove that they are in individual cultivating possession and are not in excess to their share.

Thus, there is no error in the order of the Court below and hence the writ petition is hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

26.09.2019
Vivek

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*