

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

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**CWP-9660-2019 (O&M)
Date of Decision : 10.04.2019**

Krishna Devi

... Petitioner

Versus

The State of Haryana and others

...Respondents

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Vinod S.Bhardwaj, Advocate for the petitioner.

RAKESH KUMAR JAIN, J.(ORAL)

This petition is directed against the orders dated 29.09.2015 passed by the A.C. Ist Grade, Kaithal and 07.12.2018 passed by the Commissioner, Karnal Division, Karnal by which application filed by the petitioner in terms of the proviso to Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') has been dismissed.

In brief, Gram Panchayat-respondent No.6 filed a petition under Section 7(2) of the Act seeking removal of the unauthorized occupation of the present petitioner from the shamlat land. During the proceedings, the petitioner raised the question of title in terms of Section 7 (proviso) of the Act and tendered the jamabandi for the year 2017-18. Learned A.C. Ist Grade, vide its order dated 29.09.2015, found that the petitioner is not the owner of the property in question whereas the property vest with the gram panchayat and therefore, the application was dismissed and ultimately the case was not converted into a suit to be decided for the purpose of decision on the question of title. Aggrieved against the said order, the petitioner

filed the revision petition before the Divisional Commissioner, Karnal, in which the same order has been passed. Thereafter, the court has ordered that the case would continue in ordinary manner in terms of Section 7 of the Act only for the purpose of deciding as to whether the unauthorized occupation of the petitioner therein has to be removed or not?

Learned counsel for the petitioner has submitted that still the proceedings under Section 7(2) of the Act are pending before the learned trial court and till then the status quo may be granted.

After hearing learned counsel for the petitioner and taking into consideration the facts and circumstances, we are of the considered opinion that there is no merit in the arguments because the orders under challenge are pertaining to the conversion of the petition filed under Section 7 of the Act into a suit on the basis of question of title having been raised by the petitioner in which she has miserably failed, as the revenue record which has been produced, shows that the land in dispute vest with the gram panchayat and the entry in the column of cultivator is in favour of the petitioner as Gair Morusi and not even as owner. Thus, in view thereof, there is hardly any scope for interference by this court.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

10.04.2019
pooja saini

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No