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

CWP No.12768 of 2019
Date of decision: July 15, 2019

Satta @ Satyawan and others ...Petitioners

Versus

Commissioner, Rohtak Division, Rohtak and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Arun Kumar Tyagi

Present: Mr. Sandeep Verma, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the orders dated 10.05.2011 passed by the Assistant Collector 1st Grade, Rewari, dated 23.02.2012 passed by the Collector, Rewari and dated 01.08.2018 passed by the Commissioner, Rohtak Division, Rohtak, by which an application filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the "Act") by respondent no.2 has been allowed.

In brief, respondent no.2 filed an application dated 13.01.2003 against respondents no.1 to 6 therein for seeking their eviction from the *shamilat* land/street, which was allegedly encroached upon by them. The said application was allowed on 31.03.2003. However, the Collector, vide his order dated 16.08.2004, reversed the said order and remanded the case back to the Assistant Collector 1st Grade to re-adjudicate the matter. After remand, petitioner no.1 filed an application before the Assistant Collector 1st Grade for deciding the question of title. The Assistant Collector 1st Grade, vide his order

dated 08.05.2007, held that the question of title would be decided along with the decision of the main petition filed under Section 7 of the Act, against which petitioner no.1 filed a revision petition in the Court of the Commissioner, Rohtak Division, Rohtak, which was allowed on 26.09.2007, directing to first decide the question of title in respect of the disputed land and only then to take up the matter for decision in regard to the proceedings under Section 7 of the Act. In view thereof, the matter again came up before the Assistant Collector 1st Grade, who appointed a Local Commissioner to demarcate the land in dispute, who submitted his report on 21.02.2010. The Assistant Collector 1st Grade allowed the application filed under Section 7 of the Act on 10.05.2011 and ordered eviction of the petitioners from the alleged street. The appeal filed against it before the Collector was dismissed on 23.02.2012 and the revision was also dismissed by the Divisional Commissioner on 12.03.2014. However, all the aforesaid orders were challenged by the petitioners by way of CWP No.24307 of 2014, which was disposed of by this Court on 16.05.2016 by setting aside the order dated 12.03.2014 and remanding the case back to the Divisional Commissioner to constitute a team of revenue officials to carry out fresh demarcation. The demarcation was, thereafter, conducted by the revenue officials on 23.09.2016, in which it was found that the street bearing Khasra No.491/7 and Khasra Nos.491/5, 491/6 is complete on spot and no encroachment was found therein. Again a demarcation was conducted by the team of the revenue officials on 08.05.2018 in compliance of the order of the Divisional Commissioner for the purpose of demarcating the street bearing Khasra No.491/4 and in the said demarcation, it was found that street bearing Khasra No.491/4 has been encroached upon by some persons. Though the

objections were filed to the aforesaid demarcation report dated 08.05.2018 on the ground that *pucca* points were not established but the Divisional Commissioner relied upon the demarcation report dated 08.05.2018 and passed order of removal of encroachments found on Khasra No.491/4 in accordance with law.

Although learned counsel for the petitioners has argued vehemently while challenging the correctness of orders of all the revenue authorities but he could not cause a dent in the firm findings of fact recorded by them. Therefore, we hardly find any reason in this writ petition to interfere and hence, the same is hereby dismissed, though without any order as to costs.

(Rakesh Kumar Jain)
Judge

July 15, 2019
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(Arun Kumar Tyagi)
Judge

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