

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

CWP-19715-2019 (O&M)
Date of Decision: 30.09.2019

Dilawar 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.Chetan Bansal, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners are aggrieved against the allotment of land in dispute for the purpose of burying the dead of the Christian Brotherhood though the land in dispute is recorded in the revenue record as Gair Mumkin Chappad.

In brief, the petitioners are the residents of Village Bharadiwal, Tehsil and District Amritsar. They are aggrieved against the allotment of land measuring 8 kanal 18 marla falling in Khasra Nos. 81 and 82 by the Municipal Corporation, Amritsar to respondent No.3 for using the same to bury the dead of Christian Brotherhood, *inter alia*, on the ground that in the jamabandi for the year 1974-75, the land in question is recorded as Gair Mumkin Chappad and could not have been used for any other purposes in view of a decision of the Supreme Court rendered in the case of ***“Jagpal Singh Vs. State of Punjab” 2011 (11) SCC 396.***

We have heard learned counsel for the petitioners and perused the record with their able assistance. There is no dispute that at one point of

time, as per jamabandi for the year 1974-75, the land in dispute is recorded in the ownership of Gram Panchayat Deh and its nature is recorded as Gair Mumkin Chappad but the said land has come within the Municipal Corporation, Amritsar and is so recorded in the jamabandi for the year 2014-15. Since the land in dispute has now been vested in the Municipal Corporation and is no more the land of Gram Panchayat, therefore, the provisions of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] will not apply rather the provisions of the Municipal Corporation Act, 1994 would be applicable to the land in question. Accordingly, the Municipal Corporation has the jurisdiction to use the land in dispute, in the manner in which it has been used, for the purpose of allotting the same to the Christian Brotherhood for burying their dead which has also been approved by the Government of Punjab and therefore, in the absence of any violation of the provisions of the Municipal Corporation Act, 1994, the grievance of the petitioners, on the basis of the decision rendered by the Supreme Court in the case of *Jagpal Singh (Supra)*, is totally ill founded. No other point has been raised.

In view of the aforesaid facts and circumstances, we do not find any merit in the present petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

30.09.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*