

CWP-18849-2018 (O&M)

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

**CWP-18849-2018 (O&M).
Decided on: March 11, 2019.**

Gurjeet Singh and others

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE AVNEESH JHINGAN**

*** * ***

**PRESENT Mr.Parshotam Lal Singla, Advocate,
for the petitioners.**

JASWANT SINGH, J. (ORAL)

CM-18401-CWP-2018

Prayer in the misc. application is for placing on record copy of order dated 10.2.2009, passed by the Collector Panchkula and copy of order dated 31.7.2009, passed by the Commissioner, Ambala, as Annexures P6 and P7.

For the reasons mentioned in the misc. application, the same is allowed.

Annexures P6 and P7, are taken on record.

Main Case

The five (5) petitioners namely Gurjeet Singh, Gurcharan Singh, Pala Ram, Babu Ram and Gurnam Singh, claiming themselves to be proprietors and residents of village Alipur, Tehsil and District Panchkula, have filed the instant writ petition assailing the order dated 25.4.2018 (**Annexure P3**), passed by the Financial Commissioner (Revenue) Haryana – exercising the revisional powers under Section 13-AA of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act'), dismissing the revision of the petitioners on the ground that the said revisional Authority, in view of the extended limits of the Municipal Corporation, Panchkula, having included the ***Sabha*** area of the Gram Panchayat concerned, has no jurisdiction to proceed in the matter.

It is a matter of record that Gurcharan Singh, Pala Ram and Babu Ram, petitioner Nos.2 to 4, herein along with six other residents of village Alipur, Tehsil and District Panchkula, had instituted a declaratory title suit on 8.11.2007, in a representative capacity under Section 13-A of the 1961 Act, claiming ownership and possession of the land in dispute total measuring 65 kanals 18 marlas situated in Hadbast No.237, village Alipur, Tehsil and District Panchkula (recorded as vesting in the Gram Panchayat), as per the ***jamabandi*** for the year 2002-03, before the Collector, Panchkula, which was decided in favour of the Gram Panchayat vide order dated 10.2.2009 (**Annexure P6**). The appeal filed against this was dismissed vide order dated 31.7.2019, by the Commissioner, Ambala, exercising the

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appellate jurisdiction under Section 13-AA of the 1961 Act. Thereafter, the revision under the 1961 Act was filed before the Financial Commissioner, Haryana, which has been disposed of vide impugned order dated 25.4.2018 (**Annexure P3**), as not maintainable.

At the time of hearing, realising that legally there is nothing wrong in order dated 25.4.2018 (Annexure P3), counsel for the petitioners prays for permission to withdraw the instant writ petition to enable his clients to seek their appropriate remedy in accordance with law.

Dismissed as ***withdrawn*** with aforesaid ***liberty***.

(JASWANT SINGH)
JUDGE

March 11, 2019.
raj arora

(AVNEESH JHINGAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No