

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7493-2015 (O & M)
Date of Decision: 10.01.2019

Raj Singh

.....Petitioner

Vs.

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present: - Mr. S.S.Sahu, Advocate
for the petitioner.

Mr. S.S.Pannu, DAG, Haryana.

ANUPINDER SINGH GREWAL, J.

The petitioner has sought quashing of the order dated 29.01.2010 (Annexure P-3) whereby SDM-cum-Assistant Collector Ist Grade, Fatehabad has allowed the application preferred by the Gram Panchayat under Section 7 (1) of the Punjab Village Common Lands (Regulations) Act, 1961 ('Act' - for short); order dated 27.04.2010 (Annexure P-4) passed by the Collector, Fatehabad whereby the appeal of the petitioner was dismissed and order dated 17.08.2010 (Annexure P-5) passed by the Commissioner, Hisar Division, Hisar whereby the revision of the petitioner was also dismissed.

The Gram Panchayat, Dehman had preferred an application

under Section 7 (1) of the Act wherein it was stated that the land in khasra

No.573//64/3 total measuring 8 kanals 5 marlas, as per jamabandi of 2003-04, is under its ownership and possession. The petitioner herein was stated to have raised boundary wall and 'kotha' over 10 marlas of land after illegally occupying the same. In the demarcation carried out by Tehsildar, Bhuna on 24.05.2008, found the petitioner in illegal possession thereof. Despite several requests made to the petitioner to vacate the land, he failed to pay any heed. Thereafter, the Gram Panchayat passed a resolution No.2 dated 24.05.2008 and preferred the application against the petitioner for his eviction from the land in question. The application was allowed. The appeal and revision preferred by the petitioner against the same were also dismissed.

Learned counsel for the petitioner has contended that the land in dispute is situated in 'Lal Dora' and the Gram Panchayat, Dehman has no right over the suit land and the Sarpanch is unduly harassing and trying to evict the petitioner from his land. It is also contended that the petitioner had duly purchased this land from one Rai Chander son of Molu Ram through agreement dated 28.05.2008 and, therefore, he could not be evicted therefrom.

Learned counsel for the respondent has contended that the petitioner was in illegal occupation of the land as it is 'shamlat deh' and not 'Lal Dora' as contended by the learned counsel for the petitioner. He has referred to the demarcation report dated 01.04.2008 whereby the petitioner has been found to be in illegal possession of the suit land.

We have heard learned counsel for the parties and perused the available record.

It is manifest from the perusal of the jamabandi of 2003-04 that

the land which is comprised in khasra No.573//64/3 measuring 8 kanals 5 marlas is under the ownership of the Gram Panchayat. The demarcation reports dated 01.04.2008 and 24.05.2008 found the petitioner to be in an unauthorized possession of the land in question. It is also denied by the authorities that the land is situated in 'Lal Dora'. The petitioner has not been able to establish in any manner that the land is situated in the area of a 'Lal Dora' and is not 'shamlat deh'. The record which has been relied upon by the authorities indicated that the land is 'shamlat deh'. The contention of learned counsel for the petitioner that he had purchased the land from one Rai Chander son of Molu Ram through agreement dated 28.05.2007 cannot also be accepted as the land is a part of 'shamlat deh' and hence it could not have been sold by anybody else and even the Gram Panchayat cannot sell without approval of the State Government.

In view of the above, we do not find any illegality in the findings of the authorities, which does not warrant any interference in exercise of writ jurisdiction.

Consequently, the petition stands dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

10.01.2019
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No