

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4956 of 2012 (O&M)

Date of decision: 20.02.2019

Sonu Verma and others

..... Appellants

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vikram Singh Dhakla, Advocate, for
Mr. Johan Kumar, Advocate
for the appellants.

Mr. Saurabh Girdhar, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below dismissing their suit for mandatory injunction directing the revenue officials to make an entry in the ownership column in their favour on the basis of sale deed dated 22.11.2006.

Both the Courts on appreciation of evidence have found that the property is recorded in the ownership column of Jamabandi as 'Shamlat Thol Jatan Hasab Rasad Kabja Araji Milkiyat Wa Mujib Bandobast Saal'. After finding that the property is prima facie not proved to be belonging to the vendors of the plaintiff, dismissed the suit after recording that the Civil Court has no jurisdiction to entertain and decide the question of title where dispute is whether the property is Shamlat Deh or not in view of bar contained in Section 13 of the Punjab Village Common Lands (Regulation)

Act, 1961. Under Section 13-A of the Act of 1961, any one aggrieved and interested in establishing his title has to file a suit for adjudication before the Court of Collector established under the Act.

Learned counsel for the appellants while referring to Para 7.32 of the Punjab Land Records Manual has submitted that the revenue authorities are bound to give effect to the registered deeds which purports to transfer agriculture land. Hence, he submitted that the Courts below have erred in dismissing the suit.

This Court has considered the submission. No doubt, Para 7.32 issues a mandate to the revenue authorities to give effect to the registered deeds purporting to transfer agriculture land, however, in the present case, prima facie the land appears to be Shamlat i.e. utilized for common purposes. In these circumstance, the plaintiffs have rightly been relegated to the remedy of proceedings under the Act of 1961. The plaintiffs would be at liberty to move the appropriate Court and established their title. Once the plaintiffs file such suit, the Court would also adjudicate upon the competence of the vendors of the plaintiffs.

Hence, there is no ground to interfere with the orders passed by the Courts below.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

20.02.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No