

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

CWP No.13780 of 2016
Date of Decision: 22.04.2019

Ram Krishan

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : None for the petitioner.

JASWANT SINGH, J. (ORAL)

By filing the present writ petition, the petitioner who is a resident of Village Bishangarh, Tehsil and District Patiala has laid challenge to the order dated 26.12.2011 (**Annexure P-5**) passed by the Collector/Divisional Deputy Director, Rural Development and Panchayat, Patiala, whereby the suit filed by the petitioner under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 with regard to the ownership of 15 bighas and 19 biswas of land described in the suit was dismissed and the findings were affirmed vide other impugned order dated 10.09.2015 (**Annexure P-6**) passed by Joint Development Commissioner (I.R.D.), SAS Nagar, Mohali/appellate authority. Both the authorities have concurrently found that the petitioner has failed to prove his possession since 26.01.1950 so as to rebut the presumption in favour of the Gram Panchayat as per the revenue record.

On the previous date of hearing on 11.12.2018, the following order was passed:-

"This matter has been pending for the last two years. At some point of time this Court had asked the

petitioner to show the pedigree table which would substantiate his plea of being in possession ever since the time of his forefathers and prior to the appointed date of 26.01.1950. The impugned order shows that the petitioner failed to produce the relevant record that would have established his plea of legitimate possession. Rather, the impugned order shows that relevant record in this regard was not produced. The petitioner has, however, placed on record certain jamabandis as Annexures P-7 to P-19 which show the possession of certain people whose names have been mentioned therein. There would be two questions – one is of the petitioner establishing a connect with the persons mentioned in the jamabandis and that a relationship for his claim of possession flows through them in natural succession, and secondly, he would have to establish what transpired after consolidation which concededly took place in the year 1956-57.

Even if we assume that the petitioner had produced relevant record before the Asstt. Collector, which was not dealt with, there is no mention by the petitioner about the record of consolidation.

Confronted with this situation, learned counsel for the petitioner prays for more time to satisfy the queries of the Court. Ordinarily this petition ought to have been dismissed but purely in the interest of justice one opportunity is granted subject to payment of Rs.5,000/- as costs to be deposited with the Mediation and Conciliation Centre of this Court within one month.

Adjourned to 16.04.2019."

Since 16.04.2019 was a part of the holidays, today is the next working day and thus the case has been listed today. The case has been called twice over, but on both occasions no one has appeared.

Dismissed in default.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

22.04.2019
Vinay-I

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No