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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 31501 of 2019 (O&M)

Date of Decision: 01.11.2019

RANJIT SINGH

... *Petitioner*

VS.

THE JOINT DEVELOPMENT COMMISSIONER (EXERCISING THE
POWERS OF COMMISSIONER UNDER THE PUNJAB VILLAGE COMMON
LAND (REGULATION) ACT, 1961, PUNJAB, SAS NAGAR (MOHALI) AND
OTHERS.

...*Respondents*

CWP No. 31554 of 2019

BAL MUKAND AND ANOTHER

... *Petitioners*

VS.

THE JOINT DEVELOPMENT COMMISSIONER (EXERCISING THE
POWERS OF COMMISSIONER UNDER THE PUNJAB VILLAGE COMMON
LAND (REGULATION) ACT, 1961, PUNJAB, SAS NAGAR (MOHALI) AND
OTHERS.

...*Respondents*

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE SUVIR SEHGAL.

Present: Mr. Pawan Kumar Suri, Advocate for
Mr. Naveen Chandra, Advocate
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of two writ petitions bearing
CWP No. 31501 of 2019 titled as “Ranjit Singh Vs. The Joint Development
Commissioner (Exercising the Powers of Commissioner under the Punjab
Village Common Land (Regulation) Act, 1961, Punjab, SAS Nagar (Mohali)
and others.” (for short “1st Petition”) and **CWP No. 31554 of 2019** titled as
“Bal Mukand and another Vs. The Joint Development Commissioner
(Exercising the Powers of Commissioner under the Punjab Village Common

Land (Regulation) Act, 1961, Punjab, SAS Nagar (Mohali) and others.”

(for short “2nd Petition”) because the issues involved in both the petitions are common but for the sake of convenience, facts are being extracted from the 1st petition.

The petitioners, in both the petitions, are aggrieved against orders dated 10.07.2019 and 11.06.2018 passed by respondents No. 1 and 2 respectively on an application filed by respondent No. 3 under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, evicting the petitioners from the land which was declared to be *shamlat deh*.

It is needless to mention that the petitioners had earlier filed a suit under Section 11 of the Act in which they failed upto this Court as their respective writ petitions bearing CWP No. 17797 of 2018 and CWP No. 17814 of 2018 were dismissed on 31.05.2019. The matter is, thus, crystallized that the petitioners are not the owners of the land in dispute and the same falls under the definition of the *shamlat*. Once the land in dispute is declared to be *shamlat* in the suit filed under Section 11 of the Act by the petitioners and the petitioners are not held to be the owners of the said land, the possession of the petitioners over the said land is unauthorized. Section 7 is provided in the statute to evict such type of persons who are in unauthorized possession of the *shamlat* land which vests in the gram panchayat.

Although, counsel for the petitioners has vehemently argued that the impugned order is illegal but the very fact that the petitioners have already lost under Section 11 of the Act and could not establish their ownership over the land in dispute and the said land has been held to be the *shamlat deh*, the petitioners do not have any case for the purpose of interference by this Court, therefore, both the petitions are dismissed.

Photocopy of this order be placed on the file of the connected case.

(RAKESH KUMAR JAIN)
JUDGE

November 1, 2019
Ess Kay

(SUVIR SEHGAL)
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>