

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP-30563-2019
Date of Decision:07.11.2019

Gian Dass

. Petitioner

Vs.

The Joint Development Commissioner, Punjab and others

. Respondents

2.

CWP-31551-2019

Shamsher Singh

. Petitioner

Vs.

Joint Development Commissioner, Punjab and others

. Respondents

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

Present: - Mr.Naresh Chander, Advocate,
for the petitioner.

Mr. Pankaj Bhardwaj, Advocate,
for respondent No.3/Gram Panchayat.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of 2 petitions bearing CWP Nos.30563 & 31551 of 2019 as both the petitions have arisen from the same orders dated 10.2.2016 passed in a petition filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] and dated 10.7.2019 passed in appeal filed under Section 11 of the Act. However, for the sake of convenience, facts are being extracted from CWP-30563-2019.

In brief, respondent No.3 filed a petition under Section 11 of the Act which was allowed on 09.02.1983. The appeal filed by the petitioner

was dismissed on 21.12.1984. The petitioner challenged both the orders by way of CWP No.1785 of 1985 which was ultimately decided on 05.07.2010 setting aside the orders dated 9.2.1983 and 21.12.1984 but granting liberty to respondent No.3 to file a fresh petition under Section 11 of the Act. Consequently, respondent No.3 filed a fresh petition under Section 11 of the Act which was allowed on 15.06.2015. At the same time, the proceedings under Section 7 of the Act was also initiated by respondent No.3 against the petitioner in which the 1st order of eviction was passed on 10.2.2016 and appeal filed by the petitioner against the said order was dismissed on 10.7.2019 by common order having been passed under Sections 7 & 11 of the Act. Apparently, the petitioner has not yet challenged the orders dated 15.6.2015 and 10.7.2019 passed under Section 11 of the Act in favour of respondent No.3. He has only challenged the orders dated 10.2.2016 and 10.7.2019 passed against him under Section 7 of the Act.

Counsel for the petitioner has been fair enough to concede that the petitioner has no legal right to remain in possession of the property in question as he is neither the owner nor a tenant or a lessee. Thus the status of the petitioner has rightly been held by the Court below to be unauthorised occupant and since the land in question has been held to be a Shamlat in view of a decision passed on 15.6.2015 and 10.7.2019 in the petition filed Section 11 of the Act by respondent No.3, therefore, there is hardly any scope in this case for interference of this Court because respondent No.3 has proved before the Court below both the ingredients under Section 7 of the Act i.e. the land in question is shamlat deh and the possession of the petitioner is unauthorized. No other point has been raised.

In view of the aforesaid facts and circumstances, both the writ petitions are found to be without any merit and the same are hereby dismissed. No costs.

A photocopy of this order be placed on the file of connected case.

(RAKESH KUMAR JAIN)
JUDGE

07.11.2019
Vivek

(SUVIR SEHGAL)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*