

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.33159 of 2019(O&M)

Date of Decision:-04.12.2019

Jagir Singh & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. J.S. Thinda, Advocate for the Petitioner.

JASWANT SINGH, J.

Two petitioners, namely, Jagir Singh and Kashmir Singh have filed the instant writ petition challenging the orders dated 04.10.2017 and 01.02.2019 passed by Collector, Amritsar (respondent no 3) and Commissioner (respondent on 2), whereby their title suit filed under Section 11 of the Punjab Village Common Lands Act, 1961 has been dismissed.

Ld. Counsel for petitioners has vehemently argued that petitioners have been in actual, physical possession of the agricultural land in question since long and therefore they have become the owners of the same. It is further submitted that the entries in the revenue record, which reflect it to be Shamlat Deh are wrong and therefore cannot be relied upon. Finally it is submitted that the Collector was required to decide the issue as a title suit by framing issues and taking in evidence, however, the entire procedure has been by-passed, and therefore there has been complete miscarriage of justice, especially when there is no evidence led by Gram Panchayat to show that land in question falls within the definition of “Shamlat Deh”.

We have heard Ld. Counsel for the petitioner at length and

have also scrutinized the paper book. However, we find there is no merit in the instant writ petition and therefore same is liable to be dismissed.

Admittedly, the land in question is reflected as “Shamlat Deh” in the revenue record and there is no proof that the land in question was in possession with petitioners or their predecessors-in-interest before 26.01.1950. A presumption of truth is attached to the revenue record as per section 44 of the Punjab Land Revenue Act, 1887. Ld. Counsel for petitioners has not been able to point out as to how the land in question falls in any of the exceptions carved out under Section 2(g) of the Act, 1961. Once that is so, we see no purpose in remanding the matter back for fresh adjudication to the authorities below, even if it is accepted that a “trial” has not been conducted. The argument that Gram Panchayat has not produced any record is also fallacious, as it is the petitioners who have filed a suit under section 11 of the Act, 1961 and it was incumbent upon them to prove their case. No such evidence is coming forth even before this Court.

In the absence of any cogent evidence led on record or even produced before this Court, we have no hesitation dismissing the instant writ petition and consequently upholding the orders passed by the authorities below.

Dismissed.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

December 04, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>