

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2937-2019

Date of Decision: 28.11.2019

Gurpal Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: - Mr.Amrinder Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 25.05.2015 by which their application filed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] for seeking declaration that they are the owner of land (bara) was dismissed and the order 13.06.2018 by which their appeal was also dismissed.

In brief, the predecessor-in-interest of the petitioners, namely, Arjan Singh son of Tellu Ram filed a petition under Section 11 of the Act for seeking a declaration of his ownership on the land termed as 'bara' situated in Village Khanpur Barring, Tehsil Rajpura, District Patiala bounded in North – 20' wide rasta, Bara Niranjana Singh, South – Baras of Garja Singh and others, East - Kacha Toba (Chahapar) and West– Kacha Toba (Chappar). The said petition filed on 14.3.1983 was dismissed vide order dated 25.4.1984. The appeal filed by the petitioners was allowed on 22.7.1987 and the case was remanded back to the lower Court to decide it again after getting the land demarcated. After the remand, report of

demarcation was obtained in the year 1988 and by order dated 30.1.1989, petition filed by the predecessor-in-interest of the petitioners was again dismissed, holding that the land in dispute belongs to the Panchayat. The said order was unsuccessfully challenged in appeal which was dismissed on 05.04.1991. The predecessor-in-interest of petitioners No.1 & 2 filed CWP-17602-1991 which was allowed, orders dated 30.1.1989 and 5.4.1991 were quashed and the matter was remanded back to the Collector to decide afresh. After the remand, the Collector framed the necessary issues, allowed the parties to lead their respective evidence and again recorded the finding against the petitioners holding that the land in dispute has been mutated in favour of the Gram Panchayat vide mutation No.922 in terms of the decision of the Civil Court dated 16.3.1963 and while referring to the jamabandis for the years 1987-88 (Ex.P-15), 1992-93 (Ex.P-16), 1997-98 (Ex.P-17), 2002-03 (Ex.P-18) and 2007-08 (Ex.P-19) held that the land in dispute is shown in the name of the Gram Panchayat and there was no entry of possession of the plaintiffs or their predecessor-in-interest. It was also held that the plaintiffs have failed to prove their possession before 26.1.1950. The petitioners challenged the order dated 25.05.2015 passed by the Collector by way of an appeal which was dismissed on 13.6.2018. The land in dispute has been found to be banjar kadim and not in cultivating possession of the petitioners.

Counsel for the petitioners has argued that the land in dispute belongs to a patti but he could not deny the fact that the land in dispute has already been mutated in favour of the Gram Panchayat vide mutation No.922 pursuant to a civil court decree dated 16.3.1963 and has continuously been recorded in the ownership of Gram Panchayat since thereafter as it has been reflected in the jamabandis for the years 1987-88 (Ex.P-15), 1992-93 (Ex.P-16), 1997-98 (Ex.P-17), 2002-03 (Ex.P-18) and

2007-08 (Ex.P-19) as observed by the Collector and also the petitioners have failed to prove on record any evidence to the effect that they were in possession of the property in dispute since 26.1.1950.

Thus keeping in view the aforesaid facts and circumstances, we do not find any merit in the present petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

28.11.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*