

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

CWP-34516-2019

Date of decision : 27.11.2019

Gurcharan Singh

. ... Petitioner

Versus

**Special Secretary, Department of Rural and Panchayats, Punjab and
others**

... Respondents

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

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

This petition is directed against the orders passed by the Courts below vide which application under Section 7 of Punjab Village Common Lands (Regulations) Act, 1961 filed by the Gram Panchayat (respondent No.2) has been allowed. It is admitted that the land in dispute is shown in the ownership of the Gram Panchayat in the jamabandi. The case set up by the petitioner is that his father had taken the land on lease in the year 1981 and has attached the receipts of the lease of the year 1981. However, there is no further evidence on record of permissive possession on the land in question. Although the counsel for the petitioner has submitted that the petitioner has purchased the land in dispute but no evidence or sale deed is produced on record to establish the title of the property in question as well.

In view of the aforesaid facts and circumstances, once the petitioner has failed to establish his title on the property in dispute and has also failed to prove his possession continuously from 1981 as a lessee, the necessary inference is that he was a lessee in the year 1981 and thereafter he has not taken the property in dispute on lease.

An application under section 7 is maintainable on the two factors, i.e. property in dispute is shamlat and the person occupying the land is in unauthorized possession. The first part is established from the jamabandi itself because the property in dispute is recorded as shamlat in the column of ownership and second part, as to whether the petitioner is in permissible or unauthorized occupation, is also proved from the fact that there is no other evidence on record that after the year 1981, the petitioner is in permissible possession of the land in dispute. As a matter of fact, after the expiry of the lease deed, the petitioner was supposed to return the possession of the property in dispute.

Consequently, we do not find any reason to interfere in this petition and the same is hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(SUVIR SEHGAL)
JUDGE

27.11.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No