

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

CWP-36630-2019

Date of Decision: 19.12.2019

Surinder Mohan and another

. 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.Ranjit Saini, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 30.12.2015 passed by respondent No.3 by which an application filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] was allowed and the order dated 16.01.2019 by which appeal filed by the petitioners was dismissed.

In brief, the Gram Panchayat filed a petition under Section 7 of the Act against the petitioners for seeking their eviction from the land falling in khasra Nos.66 and 82, which is stated to be a Shamlat Deh and in unauthorized occupation of the petitioners. The said petition was filed on the basis of the demarcation report dated 25.5.2015. The petitioners did not file any objection to the demarcation report rather filed an application for appointing a local commissioner to demarcate the land again. The said application was dismissed. The petitioners neither filed reply to the petition filed under Section 7 of the Act nor produced any evidence despite availing

various opportunities as recorded in the order of the Collector. The learned Court below had ultimately, vide its order dated 30.12.2015, relying upon the demarcation report, allowed the petition. The said order has been unsuccessfully challenged by the petitioners by way of an appeal which was dismissed on 16.01.2019.

The only argument raised by the petitioners is that the petitioners should have been given an opportunity for appointment of Local Commissioner, to demarcate the land in dispute.

We have heard counsel for the petitioners and after examining the available record, are of the considered opinion that the case of the Gram Panchayat was based upon the demarcation report dated 25.5.2015, which was not challenged by the petitioners as no objection was filed to the said demarcation report rather, an application was filed for appointment of Local Commission to demarcate the land in dispute again without any basis and the said application was thus rightly rejected. The petitioners did not file reply to the petition filed under Section 7 of the Act nor produced any evidence, therefore, it speaks volume of the interest of the petitioners in this case as they very well knew that they are in unauthorized possession of the land in dispute and are liable to be evicted. No other point has been raised.

In view of the above, we do not find any merit in the present petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

19.12.2019
Vivek

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