

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

CWP-35327-2019

Date of Decision:05.12.2019

Sukhwinder Singh 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.Rakesh Gupta, 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 orders dated 1.3.2016 passed by respondent No.3 and 03.04.2019 passed by respondent No.2.

In brief, respondent No.4 filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] for seeking ejectment of the petitioners from the land in question on the ground that it is a *gair mumkin pahi*. The Collector allowed the petition on the basis of demarcation report dated 04.06.2015 as per which the land in dispute has been found to be *gair mumkin pahi* and in unlawful possession of the petitioners. The appeal filed by the petitioners was also dismissed on the ground that khasra No.54 (1-18) is recorded as *gair mumkin* passage.

Although counsel for the petitioners has argued vehemently that the orders passed by both the Courts below are patently illegal but he could not point out any illegality in the impugned orders because it has been found on the basis of a demarcation report dated 04.06.2015 that the land in dispute

which falls in Khasra No.54 (1-18) is in the ownership of Gram Panchayat, which is also evident from the jamabandi for the year 1911-12, and has been recorded as *gair mumkin pahi*.

In view thereof, we do not find any merit in the present petition for the purpose of interference and hence, the same is hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.12.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*