

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

CWP-2708-2020

Date of Decision: 03.02.2020

Jagtar Singh

. Petitioner

Vs.

State of Punjab and others

. Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MRS.JUSTICE ALKA SARIN**

Present: - Mr.Sherry K. Singla, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the orders dated 29.1.2018 passed by the Collector and 16.10.2019 passed by the Commissioner by which petition filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] by respondent No.3-Gram Panchayat for seeking his eviction from the land falling in Khasra No.14//19/21/22 has been allowed.

Learned counsel for the petitioner has submitted that earlier also a petition under Section 7 of the Act was filed by respondent No.3 against some other villagers in which the Commissioner had directed the Gram Panchayat to transfer the land underneath the house of the said person after determining the market value. It is further submitted that the land was ultimately transferred to that person. It is also submitted that the land in question can be given to the petitioner at the market rate and has claimed parity with the other villager in whose favour the order was passed.

We have heard counsel for the petitioner and after perusal of record, are of the considered opinion that the petitioner cannot seek parity with

the case of some other villager as he has to apply for allotment of the land in terms of the provisions of the Punjab Village Common Lands (Regulation) Rules, 1964 [for short 'the Rules']. The petitioner has not so far approached the concerned authorities by invoking the relevant rules, therefore, the orders passed by both the authorities, allowing the petition filed under Section 7 of the Act, cannot be interfered with. It is also pertinent to mention that the petitioner has not made out any case on merit to find fault with the impugned orders inasmuch as the appeal filed by the petitioner was also dismissed on the ground of delay as the application for condonation of delay was also not accepted and that has not even been challenged by the petitioner in this case.

Be that as it may, we do not find any merit in the present case and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

03.02.2020

Vivek

(ALKA SARIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*