

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 2309 of 2013 (O&M)
Date of Decision: 28.01.2020

Naresh Kumar and others

.... Appellants

Versus

Gram Panchayat Rangala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Jain, Advocate
 for the appellants.

None for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel appearing for the plaintiff-appellant, at the outset admits that the Civil Court does not have jurisdiction to decide the question as to whether the suit land is *Shamlat Deh* or not. He submits that the present appeal be disposed of in terms of the order passed by this Court in *RSA No. 4487 of 2001 titled as Jagbir Singh and others Versus Bimlesh and others, reported as 2019(1) PLR 542*.

Operative part of the aforesaid order reads as under:-

“As noticed above, pleaded case of the plaintiffs is that the property is gair mumkin pond reserved for common purposes. Obviously, first question which would require adjudication is whether the property is *Shamlat Deh* or not. Hence, the suit filed by the plaintiffs is misconceived. Accordingly, the suit is dismissed with liberty to the plaintiffs or anyone else to institute appropriate proceedings before the authority constituted under the Act of 1961.

Since, it has been held that the Civil Court has no jurisdiction, therefore, the findings arrived at by both the

Courts are also without jurisdiction. If any suit is filed, the authorities would proceed and decide the matter without being influenced by the findings of the Civil Court.

With these observations, the appeal is disposed of.

Appeal disposed of.”

Keeping in view the aforesaid prayer made, the appellants, if so advised, would be at liberty to file a suit under Section 13-A of the Punjab Village Common Land (Regulation) Act, 1961.

Disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

**(ANIL KSHETARPAL)
JUDGE**

28.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No