

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

204

CWP No.25576 of 2016

Date of decision: 08.01.2020

Narvail Singh and Others

..Petitioners

Vs.

**Director, Department of Rural Development
and Panchayats, Punjab and Others**

..Respondents

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Ish Puneet Singh, Advocate
for the petitioners.

Ms. Ambika Sood, DAG, Punjab.

Mr. Satinder Khanna, Advocate
for respondents No. 6, 8 and 9.

Mr. K.S. Dhillon, Advocate
for respondent No.3.

RAKESH KUMAR JAIN, J.(ORAL)

Petitioners have prayed for the issuance of a writ in the nature of certiorari for the quashing of order dated 11.12.2015 only to the extent by which the Commissioner has set aside the directions issued by the Collector in his order dated 10.12.2013 which reads as under:-

“This land may be returned to the Panchayat in due course of law and Punjab Government may be written to take action against the culprit”.

Admittedly, petition under Section 11 of the Village Common Land (Regulation) Act, 1961 (the Act) was filed by Harbans Singh, Waryam Singh sons of Mukhtiar Singh and

Mukhtiar Singh son of Hardit Singh, all residents of Village Jhugian Gulam, Post Office Shekhupur, Tehsil and District Kapurthala against the Gram Panchayat. The said petition was dismissed. However, the Collector, Kapurthala, in his order dated 10.12.2013, observed that the land measuring 45 Kanals and 19 Marlas which is allegedly in possession of the private respondents shall be returned back to the Panchayat.

Aggrieved against the order of the Collector, the said Harbans Singh etc. filed an appeal which was also dismissed but at the same time the directions issued by the Collector in respect of 45 Kanals and 19 Marlas land was deleted. The petitioners, who are party to the aforesaid litigation and as residents of the village have come up in this petition for seeking a writ in nature of certiorari for quashing of the order dated 15.04.1998 of the Commissioner by which the directions, noticed hereinabove, passed by the Collector in his order dated 10.12.2013 has been deleted.

After notice, private respondents have put in appearance to contest the petition. Learned counsel appearing on behalf of private respondents has submitted that the land in question was the subject matter of a petition filed before the Chief Settlement Commissioner, who by his order dated 15.04.1998 declined to cancel the allotment made in favour of Bashan Singh, Gurdeep Singh, Mohinder Singh, Makhan Singh, Gurmit Singh sons of Wasawa Singh made in the years 1979-80.

It is further submitted that a petition under Section 11 of the Act was filed by Bachhittar Singh, Baldev Singh and Harjinder Singh in respect of land measuring 45 Kanals and 19 Marlas against the Gram Panchayat and a similar petition was filed with the Gram Panchayat against them. The petition filed by the Gram Panchayat was dismissed and the petition filed by Bachhittar Singh etc. was allowed and they were declared as the owners of the land measuring 45 Kanals and 19 Marlas and the said decision attained finality between the parties. Thereafter, the petitioners have allegedly purchased the land measuring 45 Kanals and 19 Marlas vide two sale deeds of 13.08.2002 from the persons who were declared owners of the property in question by the order of the Court.

It is further submitted that when the petitioners possession was threatened, they filed a civil suit for permanent injunction which was decreed in their favour on 09.12.2016. It is further submitted that the present petitioners have nothing to do with the land in question, muchless the orders passed against the private respondents and Harbans Singh etc. They are totally strangers to the litigation and filed the present petition.

We have heard learned counsel for the parties and after perusal of record, are of the considered opinion that the petitioners do not have any *locus standi* to maintain this petition for the prayer made in the writ petition, particularly in respect of the orders passed by the Commissioner by which he has deleted the directions issued by the Collector in his order dated

10.12.2013. The *locus standi* to challenge the said order of the Commissioner was with the Gram Panchayat who could have filed the present writ petition had it been so advised.

Thus, the present petition is not maintainable on the issue of *locus standi* and the same is hereby dismissed.

The petitioners may approach the Gram Panchayat if so, advised.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

January 08, 2020
Poonam Sharma

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No