

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

107

CWP No.37684 of 2019

Date of decision: 06.01.2020

JASSA SINGH @ JAGGA SINGH

..Petitioner

Vs.

**GRAM PANCHAYAT, UKKHLACHANA (KOT)
THROUGH SARPANCH AND ANOTHER**

..Respondents

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

Present: Mr.P.K.S. Phoolka, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J.(ORAL)

The petitioner has challenged the order dated 23.05.2015 passed under Section 7(2) of Punjab Village common Lands (Regulations), Act, 1961 (in short "the Act").

In short, the Gram Panchayat/respondent No.4 filed a petition under Section 7 of the Act for eviction of the petitioner from the land falling in Khewat No. 337/279, Khatauni No.714, Khasra No.224(10 Kanals and 19 Marlas), situated in the revenue state of Village Faridkot, block Sangat, Tehsil and District Bathinda, *inter alia*, on the ground that the land in dispute as per record (Jamabandi) is *shamlat deh* and the possession of the petitioner is unauthorised. Before filing this petition, it is alleged that the petitioner had filed a civil suit for permanent injunction on 24.02.2011 in order to protect his possession as it was being allegedly being invaded by the Gram Panchayat, on the

ground that he is in physical possession as a co-sharer. It is alleged that the stand taken in the suit by the respondent-Gram Panchayat is that the land in dispute was in possession of Daljit Singh s/o Inder Singh being a Chowkidar.

Be that as it may, the civil suit was decreed on 17.03.2016 and the respondent/Gram Panchayat was restrained from interfering in the possession of petitioner otherwise than in due course of law. During the pendency of the civil suit, the Gram Panchayat filed an application under Section 7 of the Act which was allowed on 23.05.2015 as in the said application the Gram Panchayat had averred that the petitioner was a lessee in the land in dispute for a limited period and thereafter, he is in unauthorised possession. The said petition was allowed, interalia, on the ground that the land in dispute falls within the definition of *Shamlat deh* and the petitioner had failed to prove his permissible possession on the land in dispute. The appeal filed by the petitioner also met the same fate as it was dismissed on 19.09.2019. Hence, the present petition has been filed to challenge the aforesaid orders. Counsel for the petitioner has submitted that the petitioner is in possession since long, without paying any rent and the respondent/Gram Panchayat has been taking different stands before the different authorities.

According to him, the Gram Panchayat has taken a stand before the Civil Court that the petitioner is not in possession whereas a petition under Section 7 has been filed claiming the petitioner to be in possession of the property in dispute.

We have heard learned counsel for the petitioner and after perusing the record, are of the considered opinion that there is no merit in the submissions made by the petitioner because in the application under Section 7 of the Act, the Gram Panchayat has proved that the land in dispute is Shamlat deh and the possession of the person concerned is unauthorised. Petitioner has failed to establish his permissible possession of the land though the said land has been reflected in Jamabandi in the revenue record as shamlat deh.

Thus, in view of the abovesaid facts and circumstances, we do not find any merit in the present petition for the purpose of interference by this Court and hence, the same is hereby dismissed, though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

January 06, 2020

Poonam Sharma

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No