

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

CWP-2814-2020

Date of Decision: 03.02.2020

Imamdin

. Petitioner

Vs.

Joint Development Commissioner (IRD), Punjab and others

. Respondents

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

Present: - Mr.G.S. Attariwala, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 24.6.2019 passed by respondent No.2 by which a petition filed under Sections 4 & 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 [for short 'the Act'] was allowed and order dated 23.10.2019 by which appeal filed by the petitioner against the order dated 24.6.2019 was dismissed.

In brief, respondent No.3 (Gram Panchayat) filed a petition under Sections 4 & 5 of the Act for seeking eviction of the petitioner from the land falling in khasra No.23//3 (1-9), 8 (4-11), 9/1 (0-12), 12(7-12), 13 (5-9), 14 (2-10), 15/1 (3-10), 9/2 (4-7). It is averred by respondent No.3 that the land recorded in the revenue record is *Jumla Mushtarka Malkan* which is in the management and control of the Gram Panchayat and is being used for augmentation of the income of the Gram Panchayat by leasing out the same through auction and the petitioner is in unauthorized possession of it.

On the other hand, the case set up by the petitioner is that the petitioner is the proprietor and has a right in the land in dispute which is

recorded as *Jumla Mushtarka Malkan Va Digar Haqdaran Araji Hasab Rasad Rakba*. It is also alleged by the petitioner that he had filed a suit for permanent injunction in which order of stay has been passed against the Gram Panchayat.

The Collector as well as the appellate Court, on the basis of the available revenue record, came to the conclusion that the land in dispute is being used by the Gram Panchayat as it vests in it as it has been continuously on lease by way of auction, but for the unauthorized possession of the petitioner, who has failed to prove from any evidence on record that he is one of the proprietors of the village.

Counsel for the petitioner has though vehemently argued that the findings recorded by the Collector and the appellate authority are patently erroneous and illegal but at the same time he could not substantiate his arguments from any evidence on record from which it can be ascertained that he is one of the proprietors of the village and has a share in the land recorded as *Jumla Mushtarka Malkan*.

Thus, in view thereof, there is hardly any merit in this petition for the purpose of interference in both the orders impugned herein and hence the writ petition is hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(ALKA SARIN)
JUDGE

03.02.2020

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*