

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

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(PROCEEDINGS THROUGH V.C.)

CWP-165-2021

DATE OF DECISION: APRIL 07, 2021

SUNIL DUTT

.....Petitioner

VERSUS

DISTRICT COLLECTOR, DISTRICT GURUGRAM & ORS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Dinesh Kr. Dakoria, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl.A.G., Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 03.03.2021, following order was passed:-

“ By way of CM-3088-CWP-2021, the petitioner intends to place on record the inspection report of the Patwari and Block Development and Panchayat Officer as Annexure A-1.

As per the petitioner his house is in 100 Sq. yards only and for this he has placed reliance upon the verification report as received from the Block Development and Panchayat Officer, Sohna, in pursuance to an application submitted by mother of the petitioner, which is annexure A-1 dated 04.02.2021. A perusal of the same would show that although

the area on which the house was constructed is shown to be 100 Sq.yards, which is the ownership of the panchayat. The land which was allotted to mother of the petitioner, namely, Parli Devi, initially was in Mustil Number 23, Killa Nos.6,7,8/1, 3/2, 4/1 min and in rectification deed No.1693 dated 01.06.20212, which was lateron corrected as Mustil No.16, Killa No.12/1/2 and 13/1/2.

The 100 Sq.yards land, where the house has been constructed, is shown in Khasra Nos.60 and 75, which, according to the revenue record, is the ownership of the Panchayat. This clearly indicates that the petitioner is not in possession of the land, which was allocated and registry done of the said land. However, it is the contention of learned counsel for the petitioner that this was the land, which was actually demarcated and handed over to mother of the petitioner.

Let the official, who is holding the records of the Gram Panchayat, Haryaheda, District Gurugram, in the light of the fact that the term of the Gram Panchayat has expired, file an affidavit alongwith documentary evidence to place the correct position in this regard before this Court. It may also be specified therein as to whether any other land, apart from the one which was allotted to the petitioner, had ever been demarcated and handed over to mother of the petitioner, namely, Parli Devi under the Mahatama Gandhi Gramin Basti Yojna.

Let the needful be done within a period of two weeks.

*List for consideration on **22.03.2021.***”

In compliance with the order passed by this Court, the Block Development and Panchayat Officer, Sohna, has filed an affidavit dated 16.03.2021, wherein it has been stated that 123 families were found eligible under the Mahatama Gandhi Gramin Basti Yojna by the Gram Panchayat, Haryaheda, District Gurugram. Out of them, one of the beneficiaries was Smt.Parli Devi widow of Sh.Rameshwar. Gift deed about 100x100 Sq.yards land was registered in favour of Smt.Parli Devi vide Vasika No.1693 dated 01.06.2012 in Mustil No.23, Killa No.6,7,8/1, 3/2, 4/1 min, which was owned by Gram Panchayat, Haryaheda. Thereafter a rectification/tatim deed Vasika No.3703 dated 15.11.2013 was registered in favour of Smt.Parli Devi in Mustil No.16, Killa No.12/1/2 and 13/1/2 owned by Gram Panchayat Haryaheda. In the year 2017, the Gram Panchayat, Haryaheda, demarcated the above mentioned land alongwith other lands. However, in the above land as well, the possession could not be delivered by the Gram Panchayat to Parli Devi due to illegal possession on the said land and unavailability of sufficient land.

The ejectment proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 were initiated against the illegal occupants found on the panchayat land. Smt.Parli Devi was also found in illegal possession of Khasra Nos.60 and 75, which are the *gair mumkin johar* owned by Gram Panchayat, Haryaheda. Order dated 30.10.2020 was passed by the Assistant Collector Ist Grade-cum-Sub Divisional Officer (Civil), Sohna, directing ejectment of Smt.Parli Devi from Khasra Nos.60 and 75. Appeal, which was preferred by her, has also

been dismissed by the District Collector, Gurgaon, vide order dated 22.12.2020.

It has been pointed out that the demarcation was conducted through Differential Global Positioning System on 29.04.2017 of the land, which was allotted to petitioner's mother, Parli Devi. Possession of Khasra Nos.60 and 75, *gair mumkin johar*, on which the house has been constructed, was never delivered to Parli Devi by the Gram Panchayat, Haryaheda. The possession of Parli Devi on Khasra Nos.60 and 75, which is a *gair mumkin johar*, is illegal and without any justification, especially in the light of the fact that the plot, which was allotted to the petitioner after rectification/tatima deed Vasika No.3703 dated 15.11.2013 is Mustil No.16, Killa No.12/1/2 and 13/1/2.

In the light of the above report and keeping in view the facts and circumstances of the present case, especially in the light of the fact that the house, which has been constructed, is on a *gair mumkin johar* and cannot be regularized, the present writ petition cannot be accepted and the same stands dismissed.

(AUGUSTINE GEORGE MASIH)

JUDGE

April 07, 2021
khurmi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No