

CWP-3452-2021

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP-3452-2021

Date of Decision: 15.02.2021

Bachitar Singh & another

..... Petitioners

Versus

State of Punjab & others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Jagmeet Singh Moudgill, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH J. (ORAL)

Challenge in this writ petition is to the order dated 15.05.2013 (Annexure P-1) passed by the Collector/Deputy Director, Rural Development and Panchayat, Tehsil and District Patiala – respondent No.3, vide which the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, filed by some of the villagers i.e. respondents No.5 to 13, was allowed, appeal against which preferred by the petitioners stands dismissed by the Director, Department of Rural Development and Panchayats, Punjab – respondent No.2 vide order dated 22.01.2020 (Annexure P-3).

It is the contention of the learned counsel for the petitioners, on the basis of the jamabandi for the year 1960-61 which has been placed on record as Annexure P-4), that the said land has been mentioned as a *abadi deh* but a perusal of the same would further show that it is in the illegal possession of the petitioners. The contention of the learned counsel for the petitioners, thus, cannot be accepted because the petitioners were

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in possession of the land illegally. No evidence has been placed on record which would indicate that petitioners are the owners of the said land. It is apparent from the perusal of the jamabandi for the year 1960-61 that the land falls within the definition of *shamlat deh*. That apart, as per the order passed by the Collector-cum-Divisional Deputy Director, Panchayat, Patiala, under Section 11, which was produced before the Collector (Panchayat Land)-cum-Divisional Deputy Director, Panchayat, as Ex.P-6, gram panchayat was declared the owner of the land.

In the light of the above facts and keeping in view the clear findings based upon the documents by the Competent Authority i.e. respondent No.3 vide order dated 15.03.2013 (Annexure P-1), the factum of the petitioners being in illegal possession of the land of the gram panchayat stood established. Appeal which has been preferred by the petitioners was delayed by 437 days, which delay the petitioners failed to explain. Appellate Authority proceeded to dismiss the appeal not only on the ground of delay but also on the basis of the merits of the case, which is in accordance with law and, thus, do not call for any interference.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

February 15, 2021
Harish

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No