

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

111

**CWP-6319-2021 (O&M)
Date of Decision : 18.3.2021**

Prahlad and others

..... Petitioners

Versus

**Commissioner, Gurugram Division, Gurugram and others
..... Respondents**

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present : Mr. Kanhiya Soni , Advocate for
Mr. Shashikant Gupta, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

1. This petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the impugned order dated 22.12.2011 (Annexure P-4) passed by respondent No.3, order dated 4.7.2012 (Annexure P-5) passed by respondent No.2 and order dated 16.9.2020 Annexure P-6 passed by respondent No.1.

2. Learned counsel for the petitioners has challenged the allowing of the application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 filed by the respondent No.4-Gram Panchayat, though in their written statement the petitioners took the plea that there was a dispute of title and the land was not village common land. Learned counsel for the petitioners states that the petitioners were in the possession of the land, yet except for the bald

statement the petitioners did not produce any evidence of this fact. Further, it is not disputed that the land is recorded in the ownership of the respondent No.4-Gram Panchayat.

3. In the circumstances, the mere fact that the petitioners' name was not in the *patta* register could not give rise to the finding that the respondent No.4-Gram Panchayat was not the owner of the land and, in fact the petitioners were the owner of the land.

4. Consequently, no fault can be found in the impugned orders. Petition stands dismissed.

5. Since the main case has been dismissed, the pending application, if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

18.3.2021
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No