

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

Sr. No.112

**CWP No.12335 of 2021 (O&M)
Date of Decision : November 08, 2021**

Roshni Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Kaith, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CM-16287-CWP-2021

Allowed as prayed for. Exemption sought for is granted.

CM-16292-CWP-2021

Allowed as prayed for. Annexures P-13 & P-14 are taken on
record.

CWP-12335-2021

The petitioner has been evicted in proceedings initiated under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. Her appeal has also failed.

The authorities below have held that the land in dispute is owned by the Municipal Corporation. It was earlier owned by the Gram Panchayat as is evident from Jamabandies for the year 1963-1964, 1968-1969, 1973-1974 and jamabandies upto the year 1978-1979. Thus, construction of a house over the land in dispute by the husband of the petitioner was illegal. Accordinlgy, eviction has been ordered.

Learned counsel for the petitioner has argued that demarcation report dated 15.04.2015 relied upon by the Municipal Corporation records that Ganga Bishan (husband of the petitioner) was the owner of the said property. In the written statement filed on behalf of the petitioner also it was pleaded that she is not the owner. There is no denial of this fact and thus, the eviction petition against her was not maintainable.

The argument cannot be accepted. As noted earlier, earliest jamabandies starting from the year 1963-1964 record the Gram Panchayat to be the owner. Gram Panchayat land has vested in the Municipal Corporation after the limits of the Corporation have been extended. Thus, the authorities below were justified in ordering the eviction. Construction of a house by the husband of the petitioner would be of no consequence unless and until he was able to show that the land in dispute was part of abadi. The evidence on the record does not indicate so and thus, the contention of learned counsel for the petitioner deserves to be rejected.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

November 08, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No