

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

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(PROCEEDINGS THROUGH V.C.)

CWP-14825-2021

DATE OF DECISION: AUGUST 05, 2021

Hakam Singh and others

.....Petitioners

VERSUS

Union of India and others

....Respondents

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

Present: Mr. A. K. Walia, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court, praying for quashing of the impugned paragraph 5.1.3 dealing with Post Survey Activities in the impugned guidelines dated 24.04.2020 (Annexure P-2) for implementation of Survey of Villages And Mapping with Improvised Technology in Village Areas (for short, “SVAMITVA Scheme”) issued by the Ministry of Panchayati Raj, New Delhi for conducting demarcation/survey of properties within inhabited area (*Abadi Deh*) of villages by drones as the said impugned paragraph wrongly and illegally bestowed the power of inquiry and adjudication in a summary manner upon ownership rights of villagers/petitioners on various properties upon survey by respondent Nos.2 to 6, thus, taking the powers of the civil courts as well as refusing to

recognize the jurisdiction of the competent authority under the Punjab Village Common Lands (Regulations) Act, 1961, which is a special law over the subject. The aims and objects, as have been laid down therein would be appreciable even by counsel for the petitioners but the way and the manner in which the same have been given effect to, virtually renders the petitioners without any remedy as provided under the statute. Referring to Para 5.1.3, which relates to the Post Survey Activities, it is asserted by counsel that ownership rights of the parties are being determined by the authorities, which virtually amounts to usurping the judicial functions without there being any statutory powers conferred on them under any Act or statute, which counsel for the petitioners states is not permissible in law. Referring to the pleadings in the writ petition, especially Paras 6 and 13 thereof, counsel asserts that the respondents are in the process of issuing ownership rights where it has come to the notice of the petitioners that the small pieces of land, which were being used for various agriculture purposes like storage of crops, fodder, agricultural equipment, tubewell, tethering of animals, building of manure heaps, pathwara and Guwara for last more than 100 years, are being transferred in the name of the Gram Panchayat and even the ownership of these lands have been given to some other persons. Even the area, which is in possession of the petitioners, is being shown to be joint ownership. As per counsel for the petitioners, the ownership rights and the civil rights of the petitioners were disturbed without any sanction of law.

On a categorical question put by this Court as to whether there is any document to substantiate such a contention of the petitioners, learned counsel has very fairly informed that as of now, there is no document to

substantiate such assertion of the petitioners.

If that be so, we find the present writ petition to be pre-mature at this stage. As and when any cause of action arises to the petitioners, it would be open to them to avail of the remedy in accordance with law.

The writ petition, at this stage, is disposed of as pre-mature.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**August 05, 2021
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**(ASHOK KUMAR VERMA)
JUDGE**

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