

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.122

CWP No.14733 of 2021

DATE OF DECISION: August 05, 2021

VED SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ajay Ghangas, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners claim that they are proprietors of Village Badsa, Tehsil Badli, District Jhajjar. In the said village, land measuring 761 bighas 18 biswas was reflected in the revenue record as 'Shamlat Deh Hasab Paimana Malkiat'. In the year 1992, Act No.9 of 1992 was passed and the entire khewat was mutated in favour of 'Panchayat Deh'. Provisions of Act No.9 of 1992 as well as mutations entered on the basis thereof were challenged by the petitioners vide CWP No.287 of 1993 which was allowed in terms of the Full Bench judgment of this Court in ***Jai Singh vs. State of Haryana, 2003(2) PLR 658***. Despite the said judgment, the mutation in favour of 'Panchayat Deh' was not cancelled and thus, a contempt petition was filed. During the pendency thereof, about 600 bighas out of the entire land was mutated in favour of 'Shamlat Deh Hasab Paimana Malkiat' and consequently, the contempt petition was disposed of. On examining the record, it was realized that the entire land had not been appropriately mutated and thus, another contempt petition was filed, which was, however, withdrawn with liberty to avail any other appropriate remedy available in law. Thus, the present writ petition has been filed challenging order dated

CWP No.14733 of 2021

11.09.2019 (Annexure P-4) whereby it has been held that part of the total land measuring 761 bighas 18 biswas has been reserved for common purposes at the time of consolidation and that the remaining land mutated in favour of 'Shamlat Deh Hasab Paimana Malkiat' will be managed and controlled by the Gram Panchayat.

It is submitted that the aforementioned observations are contrary to law and the record. However, no part of the record has been referred to for substantiating this claim. The case of the petitioners is that part of the total land has not been reserved for common purposes during consolidation and thus, appropriate record should have been annexed with the writ petition. If the same has in fact been annexed then counsel for the petitioners was bound to point that out to the Court. Same having not been done, I cannot accept his bald statement.

Regarding the contention that condition that the land mutated in favour of 'Shamlat Deh Hasab Paimana Malkiat' would be managed and controlled by the Gram Panchayat, I refrain from expressing any opinion because in ***Jai Singh's case (supra)***, it has been held that if the proprietors claim that the Shamlat land has never been reserved/used for common purposes, they can get their title decided from the Civil Court. This writ petition is not the appropriate remedy.

In view of the above, the writ petition has no merit and is dismissed.

August 05, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No