

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

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LPA No.806-2021

Date of Decision: 17th November, 2021

Ved Singh and others

... Appellants

Versus

State of Haryana and Others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE
MASIH, JUDGE.**

HON'BLE MR. JUSTICE SANDEEP MOUDGIL, JUDGE.

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

Ms. Tanisha Peshwaria, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this appeal is to the order dated 05.08.2021 passed by the learned Single Judge whereby the order dated 11.09.2019 (Annexure P-4) passed by the Assistant Collector, IInd Grade, Badli was challenged to the extent 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. The learned Single Judge proceeded to hold that the plea of the learned counsel for the petitioners before the learned Single Judge that the said observations in the impugned order is contrary to the judgment passed by the Full Bench in ***Jai Singh and others Vs. State of Haryana, 2003(2) PLR 658*** on the basis of which the writ petition

which was earlier preferred by the petitioners (appellants herein) would not be in consonance with the said order, cannot be sustained in the light of the fact that the petitioners were unable to demonstrate on the basis of the records and substantiate it. Court has further proceeded that merely because a bald statement has been made without being supported by the documentary evidence, the same cannot be taken as gospel truth to be relied upon for accepting the said contention.

Learned counsel for the appellants very fairly concedes today also that he does not have the relevant records as after the consolidation proceedings, the khasra numbers of the land have changed and he is not in a position to co-relate the same and put forth the submission to that extent. He, however, has pressed upon the issue that the observations of the Assistant Collector, IInd Grade, Badli in the order dated 11.09.2019 (Annexure P-4) is not culled out from the judgment of the Full Bench in Jai Singh's case (supra). This contention of the learned counsel for the appellants cannot be accepted in the light of the absence of documentary evidence/revenue record. The observation of the learned Single Judge is that the bald assertion and the statement of the appellants could not have been accepted, and we agree with the same.

It may be added here that the learned Single Judge has rightly refrained himself from making further observation in this regard in the light of the fact that in the Full Bench judgment of Jai Singh's case (supra), it has been left open to the proprietors as well as the Gram Panchayat to move to an appropriate Forum for redressal of the grievance with regard to any land being kept for any common purposes and its utilization, if any. In case the proprietors

assert that the land although has been shown to be reserved for common purposes and is not being used for the said purpose, the concerned party can approach Civil Court for redressal of the said grievance.

We, therefore, do not find any ground for interfering in the present appeal and uphold the order passed by the learned Single Judge.

The appeal stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

17th November, 2021
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No