

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

1.

CWP-408-2021

Gram Panchayat Ayali Kalan

...

Petitioner

Versus

State of Punjab and others

...

Respondents
2.

CWP-412-2021

Gram Panchayat Ayali Kalan

...

Petitioner

Versus

State of Punjab and others

...

Respondents
3.

CWP-423-2021

Gram Panchayat Ayali Kalan

...

Petitioner

Versus

State of Punjab and others

...

Respondents
4.

CWP-489-2021

Gram Panchayat Ayali Kalan

...

Petitioner

Versus

State of Punjab and others

...

Respondents

Date of Decision:-13.1.2021

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Kanwaljit Singh, Senior Advocate with
Mr. Vaibhav Jain, Advocate
for the petitioner.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

This common order shall dispose of the above captioned writ
petitions, as in all these cases impugned orders which are under challenge
are one and the same.

The petitioner-Gram Panchayat in all these writ petitions have
challenged order dated 16.5.2019 (Annexure P-4) passed by respondent
No.3-The Divisional Deputy Director, Rural Development and Panchayats,
Patiala and the order passed by the Appellate Authority dated 15.9.2020
(Annexure P-6), on the ground that both the said orders were passed against
the law specifically against the provisions of Section 2(g) of the Punjab
Village Common Lands Act, 1961 (hereinafter referred as 'the Act of 1961').

The brief facts of all the four writ petitions are as follows:-

CWP-408-2021

The brief facts of the case are that the private respondents through their attorney Ayush Bhalla filed petition under Section 11 of the Act of 1961 seeking declaration that they are owners in possession of the land measuring 1 *Bigha 7 Biswa 4 Biswasi* out of the total land measuring 5 *Bigha 9 Biswa 19 Biswasi* compromised in Khewat No.716/674 Khatauni No.857, Khasra No.3905/61 (5B-9B-19B) situated in village Ayali Kalan.

CWP-412-2021

The brief facts of the case are that the private respondents through their attorney Ayush Bhalla filed petition under Section 11 of the Act of 1961 seeking declaration that they are owners in possession of the land measuring 2 *Bigha 2 Biswa 9 Biswasi* out of the total land measuring 5 *Bigha 9 Biswa 19 Biswasi* compromised in Khewat No.716/674 Khatauni No.857, Khasra No.3905/61 (5B-9B-19B) situated in village Ayali Kalan.

CWP-423-2021

The brief facts of the case are that the private respondent-Ayush Bhalla filed petition under Section 11 of the Act of 1961 seeking declaration that he is owner in possession of the land measuring 1 *Bigha 15 Biswa 0 Biswasi* out of the total land measuring 5 *Bigha 9 Biswa 19 Biswasi* compromised in Khewat No.716/674 Khatauni No.857, Khasra No.3905/61 (5B-9B-19B) situated in village Ayali Kalan.

CWP-489-2021

The brief facts of the case are that the private respondent through his attorney Ayush Bhalla filed the petition under Section 11 of the Act of 1961 seeking declaration that he is owner in possession of the land measuring 0 *Bigha* 7 *Biswa* 6 *Biswasi* out of the total land measuring 5 *Bigha* 9 *Biswa* 19 *Biswasi* compromised in Khewat No.716/674 Khatauni No.857, Khasra No.3905/61 (5B-9B-19B) situated in village Ayali Kalan.

The said petitions were contested by the Gram Panchayat, which took plea that the land in question vests in Gram Panchayat and the petitioners (private respondents) have got no right, title or interest in the same. Finally the petitions were allowed by respondent No.3 (while exercising the powers of Collector) vide impugned order (Annexure P-4).

Being not satisfied by the said order, the Gram Panchayat filed appeals before respondent No.2, who while exercising the powers of the Commissioner dismissed the said appeals vide impugned order (Annexure P-6).

Aggrieved by the aforesaid orders (Annexures P4 and P6), the Gram Panchayat has filed the present writ petitions.

We have heard counsel for the petitioner.

The learned Senior counsel for the petitioner while assailing the impugned orders contended that as per *Jamabandi* for the year 1950-51, the land was recorded to be owned by *Shamlat Deh Hasab Paimana Hakiyat*

and thereafter from 1955-56 onwards, it was recorded to be owned by Gram Panchayat Deh. So it stands proved that the land in question is owned by the Gram Panchayat. It was further contended that actually the private respondents were in illegal possession of the land in question belonging to Gram Panchayat. The Gram Panchayat filed eviction petitions under Section 7 of the Act of 1961 against them. However, the said petitions were adjourned *sine die*. It was further contended that the claim of the illegal occupants was wrongly accepted by the Revenue Authorities while passing impugned orders (Annexures P-4 and P-6). The counsel for the petitioner while summing up his arguments, submitted that the impugned orders being totally illegal, deserve to be set aside.

We have considered the submissions made by the counsel for the petitioner.

We do not find any force in the arguments raised on behalf of the petitioner. In the petitions filed under Section 11 of the Act of 1961, the issues were framed and the parties led evidence in support of their claims. The opportunity of hearing was given to the parties and finally the petitions were allowed by respondent No.3 vide impugned order (Annexure P-4). The appeals filed by the Gram Panchayat against the said order were dismissed by respondent No.2 vide impugned order (Annexure P-6), after affording opportunity of hearing to the parties. In this case, the disputed questions of fact were dealt with and decided by the Collector and the Commissioner vide orders (Annexurs P-4 & P-6) respectively, as per the procedure established

by law. During arguments, the counsel for the petitioner failed to bring to our notice any legal infirmity in the impugned orders.

In the light of the above, we are of the view that no case for interference in the concurrent findings of facts arrived at by the Collector and the Commissioner, is made out, in the present writ petitions.

Consequently, the writ petitions are hereby dismissed. Copy of this order be placed in the record of connected writ petitions.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

13.1.2021

Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No