

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
124**

CWP-6819-2022

Date of Decision: May 18, 2022

SATNAM SINGH THROUGH HIS ATTORNEY

...PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Satpreet Grewal Kapila, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Challenge in this writ petition is to the orders dated 29.10.2021 (Annexure P-5) passed by the Director Panchayat, Department of Rural Development and Panchayat, Punjab (exercising the powers of the Commissioner)-respondent No. 2 and order dated 26.07.2018 (Annexure P-3) passed by the District Development and Panchayat Officer, Hoshiarpur (exercising the powers of the Collector)-respondent No. 3 under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '1961 Act').

2. It is the contention of the learned counsel for the petitioner that the predecessors-in-interest of the petitioners had been in possession of the land prior to the year 1950 and, therefore, the land cannot be said to be *shamlat* and would not fall under the definition of '*shamlat*' as provided

under Section 2 (g) of the 1961 Act. As the predecessors-in-interest of the petitioner were covered by the exception/proviso, the proceedings initiated under Section 7 of the 1961 Act by the Gram Panchayat, Village Chakoki-respondent No. 4 are unsustainable. As the predecessors-in-interest of the petitioner continued to be in possession and thereafter, the petitioner himself, the impugned orders passed by the authorities under the 1961 Act cannot sustain and deserve to be set aside.

3. We have considered the submissions made by the learned counsel for the petitioner and with her assistance, have gone through the pleadings as also the impugned orders but do not find ourself in agreement with what has been stated by her.

4. Although an assertion has been made that the predecessors-in-interest of the petitioner had been in possession of the suit land prior to the year 1950 but no document has been produced on record including the revenue record to substantiate the said contention, rather the pleadings indicate and it is so established and findings recorded by the authorities below that the petitioner is holding the land as *Gair Marusi*. It is also come on record, as per the Jamabandis, that the Gram Panchayat, Chakoki-respondent No. 4 is the owner of the said property.

5. As per the pleadings, the petitioner has stated that the Gram Panchayat, Chakoki-respondent No. 4 had already held an open auction of the suit land in the year 2017-18 where the petitioner had come present for giving a bid but the said auction was cancelled and thereafter, the lease deed was granted in favour of one Pritam Singh son of Teja Singh resident of Village Chakoki. It was also stated that they are still ready to take the land on lease in open auction. This being the pleaded position, the petitioner

cannot say that his predecessors-in-interest were in possession of the land in question since the year 1950.

6. In the light of the above with there being concurrent findings recorded by the authorities below, which are based upon the pleadings and the records, the present writ petition being devoid of merit stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

May 18, 2022
pj

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