

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

108

Civil Writ Petition No.9252 of 2021
Date of Decision: March 21st, 2022

Hardial Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Sandeep Siwach, Advocate
for Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 03.05.2021, following order was passed:-

“Two petitioners who are residents of Village Uggar Aulakh, Tehsil Ajnala, District Amritsar have approached this Court against the concurrent findings recorded by both the Authorities below whereby their title suit under Section 11 of the Punjab Village Common Land Act, 1961 has been dismissed and upheld in appeal. The trial Court has found that the petitioners have not been able to show that the revenue entry/jamabandi relied upon showing possession of certain lands with cultivators prior to 1950 is the same land as involved in the present litigation. The Appellate Court based on revenue record has found the ownership of the Gram Panchayat throughout i.e. prior to 1950 as also post 1950.

Learned Counsel for the petitioners prays for adjournment as the arguing counsel is not well.

*List on **11.08.2021.**”*

Thereafter counsel for the petitioners had sought time to place on record certain revenue record which was indeed placed on record vide CM No.15232-CWP of 2021 i.e. Annexure A-1 to A-4. On the said date,

following order was passed:-

“Learned counsel for the petitioners prays for an adjournment to place on record the documents to show that the jamabandies, which have been placed on record depict the same khasra numbers as were prior to consolidation and thereafter new number have been assigned. This information is required for the reason that there is a finding recorded by the Collector in his order dated 21.08.2019 (Annexure P-5 on page 109) that the area and khasra numbers mentioned in the head note of the petition and the documents, which have been placed on record, do not tally.

*Adjourned to **07.12.2021.**”*

Learned counsel for the petitioners despite referring to the Annexures A-1 to A-4, *jamabandis* for the years 1938-39 to 1954-55, is unable to satisfy the Court with regard to the matching of the entries in the revenue record relatable to the land in question as the authorities below have proceeded to refer to the jambandis and have come to the conclusion that the petitioners had not been able to produce on record any evidence showing that they are in continuous cultivating possession of the land, which is the subject matter of the present case prior to 26.01.1950. These findings having gone unrebutted even before us, we do not find any ground to interfere with the impugned orders and, therefore, dismiss the writ petition being devoid of merit.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 21st, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No