

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

Civil Writ Petition No. 8303 of 2020(O&M)

Date of Decision: August 16 , 2022.

Joginder Kaur and others

..... PETITIONERS

Versus

State of Punjab and others

..... RESPONDENTS

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MR.JUSTICE HARSH BUNGER**

Present: Mr. Abhinav Jain, Advocate
for the petitioners.

Mr. Pankaj Gupta, Addl.AG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioners are aggrieved of Rapat No.302 dated 27.05.2020 (Annexure P1) entered in revenue record on the basis of order dated 14.05.2020 passed by the Collector, Sub Division, Moga allegedly without issuance of any notice for eviction of the petitioners from the land measuring 30 Kanals 02 Marlas situated in the revenue estate of village Kishanpura Kalan, Tehsil Dharamkot, District Moga. Petitioners further seek direction to the respondents not to interfere in their possession of the land in question.

It is pleaded that the petitioners are residents of village Kishanpura Kalan and they are in actual, physical possession of the land in dispute. Prior thereto, husband of petitioner No.1 and father of petitioners No.2 and 3, Sukhdev Singh is stated to be in actual, physical possession of the land in question.

Reference is made to copy of Jamabandi for the years 1969-70, 1979-80, 1984-85, 1989-90, 1994-95, 1999-2000, 2004-05, 2009-2010 and 2014-2015 (Annexure P2) and copy of Khasra Girdawari for the year 2014-2015 (Annexure P3). Petitioners, it is stated, are sought to be evicted from the land in question without even affording them an opportunity of hearing and have been condemned unheard. Petitioners tried to get a certified copy of order dated 14.05.2020 but to no avail. It is, thus, submitted that Rapat No.302 dated 27.05.2020 has been entered in the revenue record in an illegal and arbitrary manner in violation of the principles of natural justice, specifically Rule 20 of the Punjab Village Common Lands (Regulation) Rules, 1964.

Affidavit dated 09.07.2020 of Deputy Commissioner, Moga has been filed in compliance of order dated 19.06.2020 wherein it is clearly explained that as per revenue record, land in question belongs to respondent No.4 i.e., Gram Panchayat, Kishanpura Kalan. In the year 2005, eviction proceedings were initiated against the husband of petitioner No.1 and father of petitioners No.2 and 3. Said petition was allowed by the Collector and present petitioners held to be in illegal possession of the land in dispute. Pursuant thereto, warrant of possession had been issued and duly executed on 03.03.2005. Demarcation of Shamlat land vesting in the Gram Panchayat including the pond (Chhapper) situated in Khasra Nos.9//17-22, 8//2-7-8-9-10-2//21 and Khasra Nos.50//19-2-50//20-21-22-15//25, 53//11-12/1-12/2/1-30-18-19/1-19/2, 62//6-7-8-13-14-15, 53//4-7-19-22-23-24, 53//9-10 was conducted through the concerned Kanungo and Patwari on 18.03.2020. After demarcation, it was found that some residents of the village (including the present petitioners) were in illegal occupation of Panchayat land.

Notice dated 06.04.2020 was issued to the petitioners by the Gram Panchayat

through the village Chowkidar for handing over the vacant peaceful possession of the land in dispute. Petitioners are stated to have refused to accept the notice as informed by the village Chowkidar. Resolution dated 14.04.2020 was passed by the Gram Panchayat regarding illegal possession over the Panchayat land by the residents of the village. It is thus prayed that this writ petition be dismissed.

Learned counsel for the petitioners is unable to deny that possession of the land in question already stands taken. It is so recorded in Rapat No.302 dated 27.05.2020 that possession of the land in dispute was taken at the spot in the presence of Harinder Kaur Sarpanch, Gurdev Singh Panch, Tarsem Singh Panch and Billu Singh Panch. It is specifically mentioned in affidavit dated 19.06.2020 that due notice was issued to the petitioners, who refused to accept the same. Proclamation was also done in the village on 14.05.2020. No order regarding stay of dispossession was presented by any of the concerned parties. It is further stated in the said affidavit that reliance by the petitioners on order dated 28.05.2020 passed by the learned civil court is misconstrued for the reason that the said suit had been filed by the petitioners against some private persons in which neither the concerned Gram Panchayat nor the administration was a party. Possession of the Panchayat land is stated to have taken by the Duty Magistrate, Kanungo and Patwari in the presence of Sarpanch and other respectable persons of the village after providing due opportunity to the parties to produce any order of the court of competent jurisdiction in restraint thereof.

It is pertinent to note that earlier proceedings initiated against the petitioners in the year 2005 wherein petitioners were held to be in illegal possession of Gram Panchayat land, have been duly admitted in the rejoinder filed on behalf of the petitioners. It is further pertinent to note that the petitioners

have not filed or raised any claim under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961.

At this stage, learned counsel for the petitioners is unable to point out any document to indicate petitioner's right to stake a claim to the land in question, which is specifically claimed to be of Gram Panchayat by the respondents. In such a situation, we do not find any ground, whatsoever, to cause interference for restoration of possession of the land in dispute as is sought to be urged by learned counsel for the petitioners on the ground of violation of Rule 20 of the Punjab Village Common Lands (Regulation) Rules, 1964.

No other argument has been raised.

Accordingly, this writ petition is dismissed.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

August 16 , 2022.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No