

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

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Civil Writ Petition No.2958 of 2022
Date of Decision: February 17th, 2022

Lakhbir Singh and others

...Petitioners

Versus

The Director, Rural Development and Panchayats, Punjab and others

...Respondents

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

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 12.03.2021 (Annexure P-7) passed by the Director, Rural Development and Panchayat, exercising the powers of the Commissioner under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '1961 Act') vide which the appeal preferred by the petitioners has been dismissed and order dated 15.07.2019 (Annexure P-5) passed by the Collector-cum-DDPO, Amritsar, vide which petition preferred by the Gram Panchayat under Section 7 of the 1961 Act for removal of encroachment upon the Gram Panchayat land by the petitioners, stands allowed.

Learned counsel for the petitioners has made an effort to project before this Court that the land does not belong to the Gram Panchayat and it is not a *panchayat deh* land, rather the petitioners being successors to the *gair marusi* residents of the village hold the said possession in pursuance to the rights, which are conferred on them. When confronted, the counsel for the petitioners could not bring the case of the petitioners within a ambit of exception as provided for under the provisions of the 1961 Act, which would

not fall within the definition of *panchayat deh*.

There are concurrent findings recorded by the revenue authorities, which are based upon the proper appreciation of the pleadings and the evidence on record as also the revenue record, which do not call for any interference by this Court in exercise of its writ jurisdiction.

In the light of the above, finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 17th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No