

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

Sr. No.128

Civil Writ Petition No.11321 of 2022

Date of Decision : May 24, 2022

Mohan Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vineet Chaudhary, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The Gram Panchayat filed an application for eviction of the petitioners from the land in dispute under The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. The application has been allowed and appeal filed against the same has been dismissed. Thus, the present writ petition has been filed.

Learned counsel for the petitioners submits that the petitioners have purchased the land in dispute from the proprietors of the village. Mutation has been entered on the basis of the sale and their names find mentioned in the jamabandi also. The land is *Zumla Mushtarka Malkan Va Digar Haqdaran* and it does not vest in the Panchayat. Thus, the authorities below were in error in ordering the eviction of the petitioners.

The argument cannot be accepted. According to the orders passed by the authorities below, the land in dispute has been recorded as '*Gair Mumkin Charagaha*'. According to Section 2(g)(4) of The Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Punjab)

shamilat deh includes lands used or reserved for the benefit of the village community. The land of 'charagaha' is covered by the said sub-section and is accordingly shamilat deh. Shamilat deh vests in the Gram Panchayat and the argument that the Gram Panchayat had no authority to file an application under the Act cannot be accepted. The impugned orders further show that there are entries of *Zumla Mushtarka Malkan Va Digar Haqdaran* as well. Even such land vests in the Gram Panchayat according to the judgment passed by the Supreme Court in Civil Appeal No.6990 of 2014, ***State of Haryana Through Secretary to Government of Haryana vs. Jai Singh and others.***

For the aforementioned reasons, the writ petition has no merit and is dismissed.

May 24, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No