

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

**CWP-11622-2020 (O&M)  
Date of Decision: 08.12.2022**

**MALKIT SINGH AND OTHERS**

..... Petitioner(s)

**Versus**

**STATE OF PUNJAB AND OTHERS**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. H.S. Rajput, Advocate for  
Mr. Suvir Sidhu, Advocate  
for the petitioners.

Mr. K.S. Kang, Senior D.A.G. Punjab.

Mr. V.K. Sandhir, Advocate  
for respondent no.7-Gram Panchayat.

\*\*\*\*

**LISA GILL, J.(Oral)**

Prayer in this writ petition is for setting aside communication dated 01.01.2020 (Annexure P-8), by respondent no.5-Girdawar, Area Safdarpur, Tehsil Dasuya, District Hoshiarpur, Punjab, whereby petitioners have been directed to vacate the land belonging to the Gram Panchayat consequent to ejectment orders.

It is a matter of record that ejectment proceedings against petitioners have attained finality. Writ petition No.26583 of 2015, filed by petitioners no.2, 3 & 7 and another son of petitioner no.2 along with one other person was dismissed on 21.12.2015 (Annexure P-7), upholding the orders of eviction passed against petitioners. Claim of the

petitioners therein was accepted to the limited extent that the matter regarding sale of land to them, be considered under Rules 4 and 5 of the Punjab Village Common Lands (Regulation) Rules, 1964 (for short 1964 Rules). Writ petition was thus disposed of with a direction that petitioners may approach the Gram Panchayat in accordance with the said Rules within two weeks and that Gram Panchayat would consider the request sympathetically subject to fulfilment of the conditions as prescribed in the Rules. Claim of the petitioners was considered by the respondent-Gram Panchayat and rejected, as reflected in the Resolution dated 18.01.2016, attached as Annexure R-2 with the reply filed on behalf of respondent no.7-Gram Panchayat.

This writ petition has been filed by the present petitioners for setting aside order dated 01.01.2020, directing the petitioners to vacate the land in dispute with the averments that necessary consideration in compliance of order dated 21.12.2015 had not been carried out by the respondent-Gram Panchayat. This writ petition was listed for hearing on 11.08.2020 and was disposed of on the same day, after issuing notice of motion to respondents no.1 to 6 but not the respondent-Gram Panchayat. Statement of learned counsel for the State was recorded to the extent that no order was passed pursuant to decision dated 21.12.2015 (Annexure P7) though sought to be justified on the ground that no resolution was forthcoming from respondent no.7. Present writ petition was accordingly disposed of while directing the respondents to consider the claim of the petitioners and till such time as claim is considered, dispossession of the petitioners from the property in question was stayed.

Application for recalling of order dated 11.08.2020 was filed by the respondent-Gram Panchayat while pleading that there had been concealment of facts by the petitioners inasmuch as claim of the petitioners pursuant to order Annexure P-7 had been considered and rejected by the Gram Panchayat vide Resolution dated 18.01.2016. Said facts, it is submitted, were never brought to the notice of the Court and pursuant to order dated 11.08.2020, another application was moved before the Gram Panchayat for compliance of order dated 11.08.2020.

Consequent thereto, the matter was taken up by the Gram Panchayat and vide Resolution dated 10.11.2020, it was observed that petitioners' claim had already been declined vide earlier Resolution dated 18.01.2016. The same decision was reiterated. It was further stated in the applications that petitioners otherwise also did not fulfill the eligibility condition/s as prescribed in 1964 Rules, as they had permanent/Pucca houses in the village.

CM-13563-CWP-2020 for recalling of order dated 11.08.2020 was thus allowed on 05.02.2021 and the writ petition restored to its original number, keeping in view the given facts.

Learned counsel for the petitioners is unable to deny that Resolutions dated 18.01.2016 and 10.11.2020 have not been challenged by the petitioners in accordance with law and neither is there any material/document on record to constitute a ground for setting aside communication dated 01.01.2020. The authorities are well within their rights to take action for seeking possession of the land in question in the given factual matrix.

No other argument has been addressed.

Keeping in view the facts and circumstances of this matter,  
we do not find any ground whatsoever to interfere in this writ petition,  
which is accordingly dismissed.

(LISA GILL)  
JUDGE

(RITU TAGORE)  
JUDGE

08.12.2022

Sunil

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |