

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-11962-2022

Deepak Jain

....Petitioner

VS

Commissioner, Gurugram Division, Gurugram and others

....Respondents

CWP-12074-2022

Vrinda Jalandhar Giri

....Petitioner

VS

Commissioner, Gurugram Division, Gurugram and others

....Respondents

CWP-12078-2022

Ashok Kumar

....Petitioner

VS

Commissioner, Gurugram Division, Gurugram and others

....Respondents

Date of Decision: 30.05.2022

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sudhir Aggarwal, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner has purchased the land in dispute from Pawan Kumar who was allegedly a co-sharer of the land. In proceedings initiated under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, he has been ordered to be evicted and appeal has failed.

Learned counsel for the petitioner submits that *jamabandi* (Annexure P-1) shows that the land was in possession of co-sharers and was never used or reserved for common purposes. Thus, it is not *shamlat deh* and does not vest in the

Corporation could not have acquired title thereto. Thus, the land not being public premises, the order of eviction passed is without jurisdiction.

The argument is not sustainable in law.

A perusal of the *jamabandi* (Annexure P-1) shows that the land is recorded as '*shamlat deh*'. According to Section 2(g)(1) of the Punjab Village Common Lands (Regulations) Act, 1961 (as applicable to State of Haryana) land which is recorded as *shamlat deh* is included in the definition of '*shamlat deh*'. It need not have been used or reserved for common purposes. *Shamlat deh* vests in the Gram Panchayat and upon the land coming within the jurisdiction of the Municipal Corporation, the title therein vested in the said Corporation. Consequently, it became public property and the orders passed can not be said to be without jurisdiction.

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

A photocopy of this order be placed on the files of other connected cases.

30.05.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No