

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17221 of 2017(O&M)

Date of Decision:13.12.2022

Parkash Kaur

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab.

LISA GILL, J(Oral).

Petitioner in this writ petition claims forcible dispossession from 7 Marlas of land duly allotted to her husband. She seeks restitution thereof. There is a further prayer for registration of FIR against respondents no.6 to 23 for forcible dispossession of the petitioner from land measuring 7 Marlas in violation of the provisions of law; besides providing security to the petitioner and her husband.

Brief facts as pleaded by the petitioner in the writ petition are that she belongs to the Scheduled Caste of Rai Sikh Community. As per Policy dated 14.08.2008, Annexure P-2, framed by the Punjab Government, it was decided to transfer ownership rights of the *Shamilat* Land of Gram Panchayat on which houses had been constructed by the families of Scheduled Castes, Vimukt Jatties including Bazigar families. Petitioner, it is averred was in possession of a cattle shed over land measuring 7 Marla comprised in Rectangle No. 12 Killa no. 4. It is claimed that this land was allotted to the petitioner's husband and petitioner has been in possession thereof since 1988. It is alleged that respondents no.6 to 8 in an illegal manner tried to take forcible possession of the land in question in the month

of April 2017, but did not succeed. Petitioner's husband then filed a suit for permanent injunction for restraining respondents no. 6 to 11 from interfering in his lawful possession over land measuring 7 Marlas. It is stated that notice was issued in the civil suit to respondents no.6 to 11, who appeared on 18.05.2017 and the matter was adjourned for 03.07.2017, however on 23.05.2017 at about 4.30 p.m., respondents no. 6 to 23 came to the house of the petitioner carrying weapons in an inebriated state. They tried to break open the door of the petitioner's house after entering into the premises by scaling the wall. Injuries are stated to have been inflicted upon the petitioner and her husband. The store room over the land in question is stated to have been demolished along with boundary wall. While going away from the spot, house of the petitioner was set on fire, due to which petitioner is alleged to have been caused financial loss of Rs. 3,00,000. It is claimed that without there being any ejectment orders or warrant of possession, forcible possession of the land of the petitioner had been taken by the respondents. Despite, representation to the Senior Superintendent of Police, Ferozepur, no action was being taken.

Aggrieved therefrom, present writ petition was filed.

While issuing notice of motion to respondents no.1 to 8 on 04.08.2017, respondent no. 5-District Development and Panchayat Officer (DDPO), was directed to hold a fact-finding enquiry as to whether any residential plot was allotted to husband of the petitioner in the year 1988 being a Schedule Caste/ Below Poverty Line as per the Government Policy.

Reply by way of affidavit dated 16.04.2018 of Mr. Sukhpal Singh, DDPO, Ferozepur, was filed. Allegations and averments in the writ petition are denied being incorrect. Copy of Report dated 13.02.2018 by the then, DDPO, Ferozepur, was placed on record as well.

It is stated in Report dated 13.02.2018 that no plot as averred had ever been allotted to the petitioner's husband. The DDPO, Ferozepur, visited the village pursuant to order dated 04.08.2017 and recorded statements of various persons including the Sarpanch of the village and the petitioner. It is stated that plots measuring 05 Marlas as per the Scheme/Policy, were allotted to 32 persons, but the petitioner or her husband were not found entitled or eligible for allotment as they had a Pucca/permanent house in the village in addition to six (06) acres of land. Petitioner and her husband, it is stated were in unauthorized occupation of the plot in dispute.

Accordingly DDPO, Ferozepur, ordered ejectment of unauthorized occupants from the Gram Panchayat land vide order dated 27.11.2015, wherein petitioner was arrayed as respondent. As per statement of the Sarpanch, prior to the year 2008, no plots measuring 5 Marlas were allotted. Persons to whom said plots were allotted in the year 2008 had been directed to vacate the same as the land was to be utilized for the school ground. They had vacated the said land and thereafter each of them was allotted plots measuring 5 Marlas as per Policy of the State Government. Petitioner could not produce any document in support of her claim that the plot in question was ever allotted to her husband.

It is further stated that the petitioner has leveled absolutely false, incorrect and vague allegations against the respondents. The then BDPO, Block Mamdot, it is stated was not even present at the spot.

Having heard learned counsel for the parties and going through the file, in our considered opinion, no ground is made out for any interference. Petitioner claims to be in possession of 07 Marla of land on the ground that the plot was allotted to her husband in the year 1988.

Admittedly, there is no document on record to indicate such allotment. Petitioner in her statement before the DDPO, in the enquiry, which was conducted pursuant to order dated 04.08.2017, passed in this writ petition has herself stated that the Sarpanch at the relevant time, orally allowed her and her husband to occupy the land in dispute and that she did not have any document to support her claim. Petitioner further stated that as per Policy of the State Government, each of the families concerned had been allotted plots measuring 05 Marlas, but she was not allotted this plot.

It is a matter of record that ejectment of unauthorized occupants over the Gram Panchayat land had been ordered by the DDPO, Ferozepur, vide order dated 27.11.2015, wherein the petitioner is stated to be arrayed as a respondent. There is no denial of the same.

Keeping in view the given factual matrix, the entire edifice of the petitioner's case, collapses like a house of cards. No apprehension regarding the life and liberty of the petitioner, at this stage, has been set-forth. Learned counsel for the petitioner is unable to point out any ground which calls for interference by this Court in exercise of jurisdiction under Article 226/227 of the Constitution of India.

No other argument has been raised.

Writ petition is accordingly dismissed with no order as to costs.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 13, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.