

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
115+116+117

Date of Decision: May 19, 2022

CWP-10651-2022

SUKHDEV SINGH AND ANOTHER

...PETITIONERS

Versus

DIRECTOR, RURAL DEVELOPMENT & PANCHAYATS, PUNJAB
AND OTHERS

...RESPONDENTS

CWP-10665-2022

AMRITPAL SINGH AND ANOTHER

...PETITIONERS

Versus

DIRECTOR, RURAL DEVELOPMENT & PANCHAYATS, PUNJAB
AND OTHERS

...RESPONDENTS

CWP-10668-2022

IQBAL SINGH AND OTHERS

...PETITIONERS

Versus

DIRECTOR, RURAL DEVELOPMENT & PANCHAYATS, PUNJAB
AND OTHERS

...RESPONDENTS

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

Present: Mr. G.S.Nagra, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J.

By this order, we propose to decide three writ petitions i.e.
CWP-10651-2022 titled as Sukhdev Singh and another vs. Director, Rural
Development & Panchayats, Punjab and others, CWP-10665-2022 titled as
Amritpal Singh and another vs. Director, Rural Development & Panchayats,
Punjab and others and CWP-10668-2022 titled as Iqbal Singh and others vs.
Director, Rural Development & Panchayats, Punjab and others as the facts in
these cases are almost the same and the challenge in these writ petitions is to

the order dated 27.11.2020 passed by the Director, Rural Development and Panchayats, Punjab (exercising the powers of Commissioner) under the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '1961 Act'), whereby the appeal preferred by the petitioners in these writ petitions against the order of the Collector-cum-Divisional Deputy Director, Panchayat, Jalandhar at Amritsar dismissing the applications preferred under Section 11 of the 1961 Act for declaring the petitioners as owners in possession of the land, which is the subject matter of these writ petitions, stood dismissed. Learned counsel for the petitioners has requested that CWP No. 10651 of 2022 be treated as the lead case and he has addressed his arguments in the said case.

2. It is the contention of the learned counsel for the petitioners that the revenue authorities below have failed to appreciate that the land in possession of the petitioners was in the possession of the proprietors of the village since the year 1912-13 prior to the purchase of the land from them by the predecessors-in-interest of the petitioners. It is asserted that since the petitioners are in possession of the land prior to 26.01.1950 and, therefore, are covered under the exception of Section 2 (g) of the 1961 Act and thus, are entitled to continue in possession, rather a declaration to this effect be made that the petitioners are the owners of the land in question.

3. We have considered the submissions made by the learned counsel for the petitioners and with his assistance, have gone through the pleadings and records of the case including the impugned orders.

4. A perusal of the pleadings as also the revenue records, which have been placed on record, would indicate that no *Jamabandi* has been placed on record which would show the predecessors of the petitioners to be in possession of the land prior to 26.01.1950, which is the date fixed for taking

into consideration the aspect with regard to the cultivating possession which would bring the case within the ambit of exception to Section 2 (g) of the 1961 Act relating to the land being declared as 'Shamlat Deh'. Nothing has also been reflected which would indicate what to say establish that they were in cultivating possession of the land prior to the cut off date. In the absence of any revenue records, the plea, as has been raised in an application under Section 11 of the 1961 Act, which is in the form of a suit for declaration, cannot be accepted as the onus was upon the petitioners to prove their cultivating possession on the land on the basis of the revenue records. In the absence of any revenue records, the plea, as has been sought to be raised by the petitioners, cannot be accepted.

5. The *Jamabandis*, which have been placed on record, would clearly show that the Gram Panchayat has been entered as the owner of the land and, therefore, the findings, as recorded by the revenue authorities, which are based upon the pleadings and the evidence produced before them, do not call for any interference by this Court.

6. In the impugned order, the revenue authorities have categorically given a finding that the *Jamabandi* since the year 1935-36 indicates the land to be 'Shamlat Deh'. All the records since the earlier time to the cut off date of 26.01.1950 indicate that the Gram Panchayat has been entered as the owner in the column meant for the said purpose. In the *Jamabandi* since the year 1976-77 till 2006-07, the Gram Panchayat is entered in the ownership column and on the other hand, petitioners have been shown as *Gair Marusi*, which shows that they are in illegal possession of the land.

7. In the light of the above and in the absence of any evidence to the contrary that the petitioners are in cultivating possession of the land prior to 26.01.1950 i.e. the cut off date fixed under the 1961 Act, the petitioners cannot

be declared the owners of the land in question.

The dismissal of the petitions under Section 11 of the 1961 Act as preferred by the petitioners by the revenue authorities, thus, cannot be faulted with.

8. Finding no merit in these writ petitions, we dismiss the same.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(SANDEEP MOUDGIL)
JUDGE**

May 19, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No