

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

**CWP-6540-2022 (O&M)
DECIDED ON: 30th MARCH, 2022**

ABHEY SINGH AND OTHERS

.....PETITIONERS

VERSUS

COMMISSIONER, GURUGRAM DIVISION AND OTHERS

....RESPONDENTS

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

Present: Mr. Ashish Chopra, Sr. Advocate with
Ms. Rupa Pathania, Advocate and
Ms. Nitika Sharma, Advocate
for the petitioners.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked to call for the records and for issuance of writ in the nature of Certiorari for quashing of order dated 30.09.2021 (Annexure P-8) passed by Commissioner, Gurugram Division, Gurugram whereby the appeal filed by the petitioners against the order dated 28.01.2014 (Annexure P-6) passed by Collector, District Rewari, has been dismissed.

2. A mandamus is also sought with a direction for allowing the petition under Section 13-A of the Haryana Village Common Land (Regulation) Act, 1961 (Annexure P-1) or decide the same *de novo*, uninfluenced by the order dated 16.05.1983 (Annexure P-9) passed by Assistant Collector Ist Grade, Mahendergarh; order dated 10.01.1985, (Annexure P-10) passed by Collector, Narnaul and order dated 27.08.1992 (Annexure P-13), passed by the Commissioner, Gurugram Division.

3. In this multiple round of litigation, facts leading to the filing of instant petition revolves around the fact that Section 13-A of Punjab Village Common Land Regulation Act, 1961 (hereinafter referred to as Act 1961) was put in motion by the petitioners alleging that the respondent No.3-Gram Panchayat Gujarvas, Rewari has wrongly got recorded itself as owner in possession of land in question, which actually never legally vested in it. The assertion is supported by a submission before this Court that the petitioners and their predecessor owners had been in possession as shareholders for respective shares, since 1939-40 and as such it was never under the possession and cultivation of Gram Panchayat even as a lessee as no lease was ever executed in its favour. Out of the total suit land measuring 240 kanals 16 Marlas, 105 kanals 5 Marlas is stated to have been purchased by the ancestors of the petitioners from Puran son of Ganga Bishan, (shareholder), vide registered sale deed dated 19.03.1995 for a consideration of Rs.750/-, and such entry is claimed to have been approved on 03.02.1996. Sh. Puran was having 1/8th share in total land measuring 517 Bigha, 4 Biswa, which came to be 64 Bigha, 3 Biswa. It is the case set up by the petitioners in the petition under Section 13-A of Act, 1961 that it was being cultivated by their ancestors and now in the same manner by the present petitioners.

4. A perusal of the case file further makes evident that one eviction petition under Section 7 of the Act, 1961 was filed by Jai Narayan and others before the AC Ist, Grade Mahendergarh and petitioners were ordered to be evicted vide order dated 16.05.1983 (Annexure P-9), against which the ancestors of respondents Tota Ram and others challenge the order of eviction and that appeal also met the same fate before the Collector, Mahendergarh, Narnaul.

5. Subsequently the revision petition was preferred before this Commissioner, Hisar, who sent the same with its recommendation for approval to the Financial Commissioner, Haryana and the later sent the same to the Commissioner, Gurugram Division, on 01.03.1989 recording that the same is outside the purview of his jurisdictional area. The Commissioner, Gurugram set aside the said revision petition for the reason that after making amendment by the Haryana Government in the Panchayat Act on 11.02.1992, the land of all owners stood transferred in the name of Panchayats and as such the suit land did not belong to the petitioners and the amendment made by the Haryana Government to the order dated 17.08.1992 has no bearing on the revision petition.

6. The aforesaid proceedings culminated into filing of CWP No.13843 of 1992 “***Ganga Ram etc. vs. State of Haryana etc.***” wherein status quo was ordered to be maintained by the High Court and vide its order dated 08.05.1995 (Annexure P-15) and was finally disposed of in terms of the decision of a full Bench in CWP No.5877 of 1992 “***Jai Singh vs. State of Haryana***” dated 18.01.1995 (Annexure P-16), testing the vires of Sections 2, 3 and 5(1) of the Punjab Village Common Act (Regulations) Haryana Amendment Act, 1991, wherein the entries relating to the land in dispute read as under:-

“In column of 'ownership land in dispute' was shown as Shamlat Deh Hasab Rasad Araji Khewat and in the column of 'Possession' it was shown as Maqbuja Bashined “gan” Deh”.

7. Pertinently, in the meanwhile, one Rammehar s/o Nand Kishore, filed execution of order dated 16.05.1983 (Annexure P-9) passed by the AC 1st Grade, Kosli qua which petitioners came to know on 16.07.2009 once they received notice of proceedings, who, thereafter, filed reply bringing to the notice of the Executing Court that the said order stands quashed vide order dated

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08.05.1995 (Annexure P-15) passed in CWP No.13843 of 1992 and also pointed out that the applicant in the execution petition, Rammehar was neither a party in the case nor is connected with the suit land in any manner whatsoever. However, said reply preferred by the petitioners is stated to be not yet accepted and the same is pending and hence plaint under Section 13-A of the Act, 1961 was instituted to which Gram Panchayat on summoning, filed written statement urging that regarding the suit land already adjudication has been given by the AC 1st Grade, Mahendergarh vide order dated 16.05.1983 (Annexure P-9), wherein eviction order were passed in a petition under Section 7 of Act, 1961.

8. Against the said order of 16.05.1983 (Annexure P-9), appeal was dismissed on 10.01.1985 (Annexure P-10) and revision also met the same fate.

9. The Gram Panchayat, questioned the maintainability of the petition under Section 13-A on the ground that the proceedings under Section 7 of Act, 1961 have become final, as against the dismissal of revision petition, the petitioners opted not to challenge the same. Section 13-A petition was dismissed on 01.07.2011 (Annexure P-3), which was challenged before the Commissioner, Division Gurugram, who accepted the appeal on 08.12.2011 (Annexure P-4) and remanded the case back for deciding the same afresh. It is in this second round of adjudication, the petition under Section 13-A of the Act, 1961 was dismissed on 28.01.2014 (Annexure P-6) holding that the petitioners have failed to prove authorized legal possession over the suit land.

10. The appeal was preferred against the aforesaid order dated 28.01.2014, before the Commissioner, Gurugram Division Gurugram, which was dismissed on 30.09.2021 (Annexure P-8) apart from other reasons categorically returning a finding therein that whatever revenue record was produced by the appellant, it could not establish even cultivating possession over the same

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Khasra No. in all the Jamabandis to prove 12 years uninterrupted cultivating possession over same Khasra numbers counting from backward from the commencement of Pepsu Village Common Lands(Regulation) Act, 1954, observing that it is joint khewat of 5 (five) proprietors and has nothing to do with any of the exemptions in '*Shamlat Deh*' yet this was averred claiming the same to be under possession of Gopal in the year 1940-41 AD and as such the appellants had not approached with clean hands on many accounts.

11. It is subsequent to these proceedings after having lost before the Collector, District Rewari, vide order dated 28.01.2014 (Annexure P-6) and order dated 30.09.2021 (Annexure P-8) of the Commissioner, Gurugram Division, Gurugram, the present writ petition came up for adjudication assailing both these order before this Court.

12. Mr. Ashish Chopra, learned Sr. Advocate for the petitioners would argue that the Divisional Commissioner, Gurugram has more or less proceeded on same premise as the Collector while deciding the appeal against the dismissal of petition/suit under Section 13-A of the Act, 1961 stating that the observation to the effect that the predecessor Court remitted the case, the maintainability of Section 13-A is not to be considered are erroneous and mis-directed. It is also submitted before this Court that Commissioner, Gurugram Division has fallen in error referring to order dated 27.08.1992 (Annexure P-13) vide which the revision was dismissed especially in the light of order passed by the High Court dated 08.05.1995 (Annexure P-15) in CWP-13843-1992 and such reference is evidently illegal nonest and the impugned order dated 30.09.2021 (Annexure P-8) is wholly misconceived, while relying upon judgment of this Court in “***Desh Raj vs. State***” ***cited as 2007(5) RCR (Civil) 835***, since the petitioner title stands decided under Section 7 of Act, 1961 and by another round of litigation suit for

title ought to have been not entertained. He lays much stress to challenge the finding which is merely that the appellant kept quiet for 15 years and only when execution was filed by resorting to the one selective line from the judgment in CWP No.5877 of 1992 “*Jai Singh vs. State of Haryana*” dated 08.05.1995 (Annexure P-16) i.e., any party which has a grievance may approach Collector concerned through filing an application, asserting it to be misplaced for the reason that the said line is not part of Jai Singh's (supra) case and secondly the respondent-authorities at such a belated stage only as an afterthought tried to interpret the order dated 08.05.1995 (Annexure P-15), which is ex-facie erroneous.

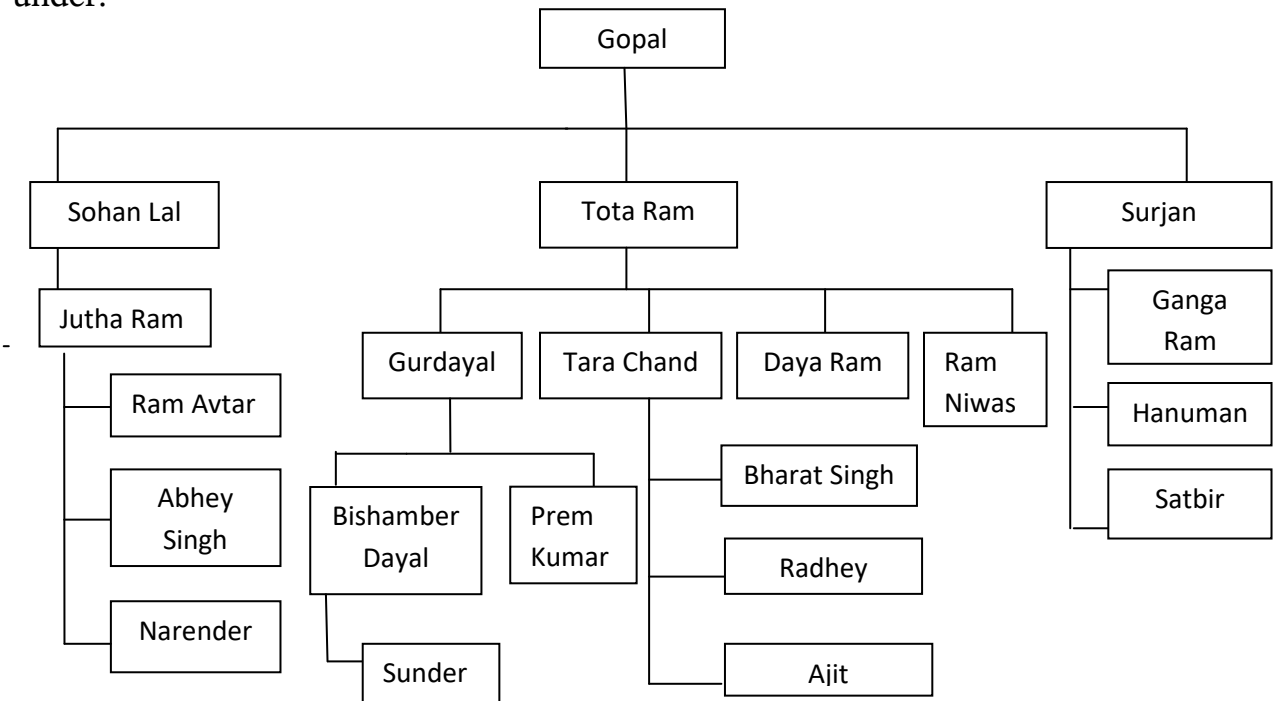
13. Mr. Chopra also urges that the Commissioner, Gurugram Division failed to appreciate that after passing of order dated 08.05.1995 (Annexure P-15) by this Court, the predecessor continued being in their legal cultivating possession over the land in question without any interference from any quarter including the Gram Panchayat-respondent No.3, and therefore, such finding is not sustainable. The observation qua the veiled reference to the petitioners as 'unauthorized encroachers', who have continued to enjoy mesne profits which is due to Panchayat, is perfunctory and baseless has also been questioned by the petitioners.

14. Learned counsel for the petitioner makes a valiant attempt yet further to bring forth the challenge to the impugned orders dated 28.01.2014 (Annexure P-6) and 30.01.2021 (Annexure P-8) on the strength of exemption clause envisaged under Section 2(g) (5) (viii) of Act, 1961, which defines the ‘*Shamlat Deh*’. He points out from Clause 8(i) of Act, 1961 to assert that suit land on account of this fact will not be a ‘*Shamlat Deh*’ being in an individual cultivating possession of co-sharers not being in access of their respective shares

on or before 26.01.1950 and the evidence adduced on that had been brushed aside by the authorities below, which substantiate their claim on that account.

15. He also submits that reliance on an order dated 16.05.1983 (Annexure P-9) is totally misconceived, as in the said order the Court found that by paying outstanding land revenue, predecessor of the petitioners could not have got possession over total Shamlat Khewat through mutation and its sehat mutation, has been followed, without realising that the same is perverse and in fact said order was not even in existence. He also refers to the Jamabandi's for the year 1940-41, 1944-45, 1948-49, 1952-53 and 1956-57 in his efforts to impress this Court that the possession of ancestors of the petitioners on the suit land on or before as cultivating possession over '*Shamlat Deh*' is not on access of their shares.

16. Mr. Chopra also drawn attention of this Court to a pedigree chart to make out a case that petitioners are the successors of one Gopal, which is as under:-



17. It is argued on behalf of the petitioners that despite adducing evidence to satisfy the statutory requirements of Section 4(3) (ii) of the Act, 1961 establishing that the case is covered under the said exemption, the respondents

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No.1 & 2 negated the prayer, while failing to appreciate that evidence especially the land in question was in the possession of cultivating possession of the predecessors of petitioners for more than 12 years immediately preceding the commencement of Act of 1961 without payment of rent or by payment of charges not exceeding the land revenue and cesses payable thereon. The orders dated 28.01.2014 (Annexure P-6) and order dated 30.09.2021 (Annexure P-8) have also argued to be illegal and against the well established on record, since there was no other evidence to controvert the same or to show that land, which is subject matter of the present *lis* is/was being used for common purposes stressing upon the fact that petitioners are entitled to 277 kanals 15 marlas, including total land in both khewats 91 and 92 (90 kanals 1 marla out of Khewat No. 92) and 82 Kanals 9 Marlas, out of Khewat No.92, was their original share in the shamlat land and 105 kanals 5 marlas was purchased from Puru @ Puran s/o Ganga Bhishan, however erroneously the claim of the petitioners has been rejected qua the land in question including 105 Kanals 5 Marlas, which already stands adjudicated to be in legal possession of the predecessors of petitioners vide order dated 16.05.1983 (Annexure P-9).

18. Mr. Chopra, while concluding the arguments seeking setting aside of orders dated 30.09.2021 and 28.01.2014 (Annexures P-6 and P-8 respectively) submits that order dated 16.05.1983 (Annexure P-9) has been sought to given effect after 20 years, which otherwise ceases to exist in view of order dated 08.05.1995 (Annexure P-15) passed in CWP-13843-1992, which was disposed of in terms of judgment rendered in Jai Singh' case (supra) and prays for allowing the petitioners holding that the petitioners are owner in possession of the suit land as it never vested with the Gram Panchayat.

19. Heard Mr. Ashish Chopra, learned Sr. Advocate for the petitioners.

20. We, having taken into account the facts and the submissions of the counsel for the petitioners as recorded hereinabove, thus, zero down the question for adjudication as to 'whether suit land is covered by exemption under Section 2(g) (5) (viii) and Section 4(3) (ii) of the Act, 1961' and thus, the petitioners are owner having cultivating possession thereof from the time of their ancestors or it would vest in the Gram Panchayat being '*Shamlat Deh*'.

21. The case set up by the petitioners before this Court is that their forefathers are in possession of the land as co-sharers, which is less than their share in '*Shamlat Deh*', who are uninterruptedly cultivating the same since the year 1939-40 as such. They have also pleaded to have not given up such possession and neither anybody else ever objected to the same. It has been further said that land in question had never been merged in the Gram Panchayat and the record of the revenue department showing the name of Gram Panchayat in the year 1956-57 is wrong since their share is to the tune of 277 kanals 15 marlas, but have the possession only of 240 kanals 16 marlas, which is argued to be existing prior to 26.01.1950. Decorated argument made is heard upon the fact before this Court on behalf of the petitioner, is that as per Jamabandi for the year 1952-53, the possession of the petitioners is over the disputed land, but entries had been made in favour of Gram Panchayat 1956-57. Wrongly, the evidence in the shape of statement deposed by Dindayal, Patwari and reliance is made on the inspection alongwith recommendations for approval, which are orders on record as Ex. P-4 & P-5, vide which other shareholders have been declared to be the owners. To assert the possession of the petitioners since 1908 the era of their forefathers KhasraGirdawar for the year 2007-12, Ex. P-8, alongwith Mutation No.33, hence sought setting aside of impugned orders dated 28.01.2014 and 30.09.2021 (Annexures P-6 and P-8 respectively).

22. Another forceful argument raised on behalf of the petitioners is based on the alleged recommendations of the Commissioner, Hisar Division forwarded to Financial Commissioner stating the suit land being out of the purview of '*Shamlat Deh*' in the light of exemptions granted vide Section 2(g) (5) (viii) and Section 4(3) (ii) of the Act, 1961, which was sent back to the Commissioner observing that it is within the jurisdiction of the Commissioner alone.

23. A review as preferred questioning the jurisdiction of the Commissioner, Gurugram Division, which was also dismissed on 17.08.1992 relying upon Act No.9 of 1992. It is against the dismissal of said review application, writ petition i.e., CWP-13843-1992, was preferred, which was disposed of by this High Court in the light of Jai Ram's case (supra) vide order dated 08.05.1995 (Annexure P-15), and this order was not challenged and as such it attained finality.

24. However, an attempt was made to object the order dated 16.05.1983 (Annexure P-9) and the when the interference in the possession of the petitioners was made, the suit was filed and the respondents moved an application under Order 7 Rule 11 CPC, urging that after the order of eviction, suit/petition was dismissed.

25. It is this order passed by the Collector, was put to challenge before the Commissioner, Gurugram Division, who held that the suit/petition under Section 13-A of the Act, 1961, cannot be dismissed and this order also attained finality, as the respondents did not file any appeal or revision to that order and the petitioners sought the suit to be decreed also pressing upon the fact that the respondents have failed to demonstrate as to which are the facts which are being concealed before that Court and how the petitioners were not approached with

clean hands.

26. The respondents countered the stand of petitioners before the authorities below on the ground of maintainability limitation, res-judicata and concealment of material facts apart from also urging that no cause of action has arisen in their favour. As the case was pleaded before the AC 1st Grade and Commissioner, Gurugram Division, the stand of the respondents is evident on record that the adjudication in the petition under Section 7 of Act, 1961, it was found that the petitioners are not in possession over the suit land, since 1939-40 B.K., and, therefore, the instant petition under Section 13-A of the Act, 1961 is not maintainable.

27. This Court has also perused the order dated 16.05.1983 (Annexure P-9) passed by AC 1st Grade, Mahendergarh, Narnaul, which was in evidence as Ex.DW-2/C, wherein the eviction orders were passed qua the forefathers of the petitioners and finally it was converted into Section 13-A of the Act, 1961 adjudicating the issue that whether the petitioners are in unauthorized possession, if the land vests with the Gram Panchayat or the petitioners are the owners in possession over the suit land, since the year 1962 B.K. To consider the delay, this fact also cannot be lost sight that CWP-13843-1992 was disposed of by this Court on 08.05.1995 (Annexure P-15), but the suit was preferred after 15 years and no notice was served upon the Gram Panchayat, which is also on record, since in the light of such sequence of litigation, it is crystal clear that the order dated 16.05.1983 passed by AC 1st Grade, Mahendergarh, Narnaul has attained finality and also that the petition under Section 13-A of the Act, 1961 would not be maintainable.

28. We are sanguine of the fact, having succinctly zeroed down on the issue involved, the perusal of order dated 08.12.2011 (Annexure P-4) passed by Commissioner, Gurugram Division has remitted the case back to the District

Collector, Rewari to decide afresh as per provisions of CPC on merits. Therefore, the plea questioning the maintainability has no merits. The order vide which Commissioner recommended for acceptance of revision petition vide its order dated 28.12.1987 (Annexure P-11) is not on judicial side, who might have considered it a case of revision under the Land Revenue Act and it is only under these circumstances the Financial Commissioner remitted the case for decision on merit, as it was within his own jurisdiction itself, therefore, this order also cannot be taken into account for adjudication of the issue in hand as a piece of evidence.

29. To the question of res-judicata, it is also an admitted fact that the proceedings under Section 7 of the Act, 1961 before the AC 1st Grade, which were adjudicated vide order dated 16.05.1983 (Annexure P-9) was in the form of a regular suit between the same parties and the issue involved therein as well as in the instant petition is identical and substantially on the same question of law, therefore, once an issue stands adjudicated in the suit under Section 7 of the Act, 1961, whereby eviction order was passed only after affirming the title over the suit land, the proceedings under Section 13-A of the Act, 1961 are also hit by the provisions of Section 11 Civil Procedure Code, 1908.

30. As far as the argument that *Jamabandis* having not being taken into account by the authorities below, is concerned, it is abundantly clear that the *Jamabandis* have been duly considered by the Collector as well as the Commissioner, Gurugram Division, which were though originally placed having the relevant years mentioned as B.K., which were converted into A.D., and an attempt by taking advantage of B.K., was made none other than by the petitioners alone to mislead the authorities, while referring to the year of 1940-41, 1948-49 as B.K. (Bikrami Samvat), which were converted into A.D. very rightly and

justifiably by the authorities below while examining the said record in earnest perspective before recording findings on fact based on revenue record.

31. The argument of the petitioners seeking the exemptions under Section 2(g) (5) (viii) of the Act, 1961, is actually misleading and an attempt to subtle the judicial process by making false assertions as there is no Jamabandi for the relevant year 1948-49 A.D., on record, which would have vital and crucial revenue record to be considered. Three conditions are pre-requisite before deciding the question in hand, i.e., (i) land must be '*Shamlat Deh*' was assessed to land revenue (ii) had been in the individual cultivating possession of co-sharers and (iii) not being in excess of their respective shares in '*Shamlat Deh*' on or before 26.01.1950.

32. This question can be answered after perusing the revenue record put forth by both the parties to the *lis* before the District Collector, Rewari as well as Commissioner, Gurugram Division, in appeal.

33. The petitioners have given the details in multiple round of litigation only qua 1940-41 and 1944-45 *Jamabandis* with a passing reference alone for the year 1948-49 A.D. and perusal of Jamabandi 1948-49 A.D. (2005-06 B.K.), leaves no doubt in the mind of this Court that the petitioners were in possession of a very small piece of land measuring 55 bighas and 3 biswas in Khewat No.20-181/38, 219/55, 259/70. The revenue record further makes it clear, which is part of the proceedings before both the authorities, would show that one Bhagwana s/o Teja Kaum Ahir Gair Marusi was on Chkota over 17 Bigha 13 Biswa in 178/37 and Layak Ram s/o Khuba Kaum *ahir sakin lukhi gair marusi* was on Batai upon 13 bigha 11 biswas in 178/37 as can be inferred from the record very convincingly by this Court is belonging to Khewat No.19 Khatoni No.99 and 100

respectively.

34. All these khatonis are not in cultivating possession of predecessor of the petitioners. It is only one Jamabandi for the year 1948-49 A.D., (2005-06 B.K.) one predecessor Gopal, can be seen in possession of 16 Bigha 12 Biswas, area only that too in 177/37 and 53 khasra numbers. Further according to the Jamabandi for the year 1952-53 (2009-10 B.K.) in Khewat No.21 Khasra No.53 (3-16), 177/37 (12-16) and 1/8th part of 176/37, 178/37 (3-18) depict the possession of sons of Gopal-predecessor of the petitioners, but the last two numbers were not in possession of the predecessor of petitioners in earlier *Jamabandis* of 1948-49 A.D., (2005-06 B.K.), whereas in Khewat No.22, one Sohan Lal has 474/259 min, 454/360 min and 87 min (36-11), Tota Ram has 219/55 min (9-0), 474/259 min (8-13), 454/360 min (4-18) 87 min (23-0), 181/38 (11-6), apart from Surjan, who has 219/55 min (8-19), 474/259/70 (8-12), 454/360 min (4-17) and 87 min (23-1).

35. From the aforesaid revenue record, it is evident that possession has been shown to be increased in second Khewat from 55 Bigha-3 Biswa to 138 Bigha-17 Biswas in just four years, but the status as it existed on 26.01.1950 has not been established, since there is no other evidence having been produced on behalf of the petitioners, nor any reference today before this Court was made to show as to how the findings to the effect that according to the revenue record, the predecessor of the petitioners were not in possession at the relevant time, is bad and perverse to the evidence particularly the revenue record.

36. It is also crystal clear from the revenue record that apart from changing numbers and the persons in cultivating possession varying in the different *Jamabandis*, in some khasra numbers even the area under cultivation or non-cultivation possession can also be seen as changed and in the light of such facts the revenue record produced by the petitioners has been distrusted to say that the

possession of theirs and their ancestors could not be established to say that they have 12 years uninterrupted cultivating possession over the same khasra numbers right from the commencement of Pepsu Village Common Lands(Regulation) Act, 1954.

37. Another glaring fact, unfolded before this Court is that the petitioners have asserted on the basis of *Jamabandis* for the year 1940-41 A.D., (1997-98 B.K.), to rest their claim is that it was not shown as '*Shamlatdeh*' but in joint khata of 5 proprietors. Such plea is also of no help to the petitioners, which is also on account of addition in an attempt to show complete land of Gopal under possession in the year 1940-41 A.D. Such act on behalf of the petitioners is totally misleading and mischievous and the authorities have rightly observed that they did not approach with clean hands.

38. We cannot lose sight of the conduct of the petitioners in the backdrop of instances, who have gone beyond a reasonable stretch in an attempt to derive undue advantage by producing documents in a manner, which were misleading and in fact falsehood of the documents is apparent as adduced by them in evidence duly having knowledge of the same, while referring to A.D., as the years relevant to adjudicate the question in hand, but once they were transcribed into the form as B.K., who were further guilty of concealing relevant document would have clinched the issue at the threshold i.e., *Jamabandi* for the year 1948-49 A.D., to establish as to who was in possession over the suit land prior to 26.01.1950, deserves to be thrown out and is not entitled to any relief whatsoever.

39. In the light of discussions made hereinabove, after perusal of the record on file and considering the submissions of Mr. Chopra on behalf of the petitioners, we are of the view that the petitioners are guilty of concealing

material piece of evidence, which they intentionally and deliberately withheld and was actually produced by the respondent-Gram Panchayat i.e., Jamabandi for the year 1948-49 B.K., a mischievous and clever device has been adopted by petitioners to read the revenue record with falsehood to mislead the Court with the sole motive to derive advantage to which they are not legally entitled to and above all the findings of fact returned by the authorities below are consistent having examined the revenue record minutely, which helped it in assessing the revenue record correctly, by no stretch of judicial activation can hold that the petitioners were in cultivating possession prior to 26.01.1950.

40. Hence, we hold that the suit land vests with the Gram Panchayat and resultantly, the orders dated 28.01.2014 (Annexure P-6) passed by the Collector, District Rewari in petition under Section 13-A of the Act, 1961 as well as the order of Appellate Authority dated 30.09.2021 (Annexure P-8) passed by Commissioner, Gurugram being well reasoned having no perversity, illegality or infirmity, do not warrant interference of this Court.

41. Therefore, the Civil Writ Petition stands dismissed in the aforesaid terms with no order as to costs.

42. Pending application(s), if any, shall also stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

30th MARCH, 2022
sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No