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

CWP-548-2023

Date of decision:12.01.2023

RAMOTAR AND OTHERS

...Petitioners

Versus

COMMISSIONER, GURUGRAM, HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. D.V. Sharma, Senior Advocate with
Ms. Sunder Kumari, Advocate
for the petitioners.

Mr. Raman Sharma, Addl. A.G. Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The writ petitioners claim themselves to be the successors-in-interest of their respective common ancestors, as are displayed in the sajra nasab which becomes appended, as Annexure P-4 to the petition.

2. The petitioners hence instituted a suit under Section 13 of The Punjab Village Common Lands (Regulation), Act, 1961, claiming therein a declaratory relief, that in respect of the suit khasra numbers, they be declared to hold a valid title as owners, especially with the same becoming derived from their respective predecessors-in-interest. Consequently, they also claimed further

relief that they became entitled for receiving compensation in respect of their lands, as became subjected to acquisition proceedings.

3. However, the learned Collector concerned, through Annexure P-10 declined to grant the claimed relief to the petitioners. The above declining ensued from the factum that there was no valid credible documentary or oral evidence, suggestive that prior to the year 1950, the writ petitioners through their respective predecessors-in-interest were cultivating the suit land, either as owners or in some other permissible capacity, which rather entitled them to save the suit lands from vestment in the State of Haryana.

4. Therefore, in the wake of absence of the above credible documentary and oral evidence, the learned Collector concerned, through Annexure P-10 became led to decline the claimed relief to the petitioners.

5. The aggrieved petitioners made thereagainst a motion before the learned Commissioner concerned. However, the learned Commissioner concerned, after affirming the order, as carried in Annexure P-10 obviously declined the appeal relief, as claimed by the petitioners.

6. Consequently, the aggrieved petitioners are led to institute the instant petition before this Court for theirs seeking annulment of the above made concurrent orders against them by the Statutory Authorities concerned.

7. Today, the learned counsel appearing for the petitioners has, made a vigorous address before this Court, that the judgments rendered against the petitioners are completely legally infirm, as they are not made dependent, upon any valid analysis of the evidence, as became adduced before the Authorities concerned. However, the above made arguments is completely rudderless, as the learned counsel for the petitioners has been unable to make this Court traverse through, any credible oral or documentary evidence hence suggestive, that prior

to the year 1950, the writ petitioners through their respective predecessors-in-interest, were holding any valid cultivating possession of the petition land, and, which would otherwise validly save them from vestment in the panchayat concerned.

8. Nonetheless, the learned counsel for the petitioners has made dependence, upon Annexure P-1 which is a jamabandi drawn for the year 2000-01 BK, and, on the basis of the said jamabandi, the learned counsel for the petitioners claims, that the relevant savings or exclusionary clause, carried in the relevant statute, becomes attracted to the facts at hand, and, therethrough the vestment of the lands of the petitioners became saved, thereupon rendering the impugned judgments to be completely invalid.

9. Even the above submission does not find any force with this Court, as the said document never became tendered nor became exhibited before the Authorities below nor any impact thereof qua the writ petitioners claim, became made.

10. Be that as it may, for ensuring that the ends of justice are met, and, for also ensuring that the import of the said documents is considered, but only after the said documents become furnished, and, also become exhibited in accordance with law, before the Authorities concerned, this Court is led to direct the petitioners, to avail the alternate hereto efficacious Revisional remedy before the learned Financial Commissioner concerned.

11. Through the above Revisional remedy, it is open to the petitioners to make a challenge to the respectively made concurrent orders against them by the Statutory Authorities concerned.

12. Moreover, it is also open to the petitioners to, before the learned Revisional Authority, in accordance with law make reliance upon Annexure

P-1, and, thereafter it is open to the learned Revisional Authority to, in accordance with law, make lawful orders on the apposite revision petition.

13. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

12.01.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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