

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH  
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1. CWP-844-2021

Sudarshan Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CWP-1035-2021

Ganpati Parshad @ Goumti Parshad and another

... Petitioners

Versus

State of Punjab and others

... Respondents

3. CWP-6760-2021

Jagdish Mitter and others

... Petitioners

Versus

State of Punjab and others

... Respondents

4. CWP-6745-2021

Ranjit Singh @ Ranjit Singh Salaria and others

... Petitioners

Versus

State of Punjab and others

... Respondents

5.

CWP-9083-2021

Surinder Singh alias Salinder Singh and others

... Petitioners

Versus

State of Punjab and others

## ... Respondents

**6.**

**CWP-11610-2021**

Vijay Kumar Nanda

... Petitioner

Versus

State of Punjab and others

... Respondents

**7.**

**CWP-12282-2021**

Ramesh Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

8.

**CWP-12966-2021**

Pawan Kumar and another

... Petitioners

## Versus

State of Punjab and others

... Respondents

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9. **CWP-13380-2021**

Managing Committee Sai Polytechnic College Badhani

... Petitioner

Versus

State of Punjab and others

## ... Respondents

10. CWP-13427-2021

Keshav Dass and another

... Petitioners

Versus

State of Punjab and others

... Respondents

11. **CWP-13926-2021**

Tripta Punj @ Tripta Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

12. CWP-14222-2021

Chamel Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

13. CWP-14225-2021

Parshotam Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

14. CWP-14815-2021

Ravinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

15. CWP-14965-2021

Sukhdev Raj and others

... Petitioners

Versus

State of Punjab and others

... Respondents

16. CWP-15399-2021

Karnail Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

17.

**CWP-15612-2021**

Kamaljit and others

... Petitioners

Versus

State of Punjab and others

... Respondents

18.

CWP-15973-2021

Prem Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

19.

CWP-8823-2021

Atin Aggarwal and another

... Petitioners

Versus

State of Punjab and others

... Respondents

**20.**

**CWP-8852-2021**

M/s NMA Agro Foods LLP

... Petitioners

Versus

State of Punjab and others

... Respondents

21.

CWP-10180-2021

Sewa Singh and others

... Petitioners

Versus

State of Punjab and others

## ... Respondents

22.

CWP-11288-2021

Karan Singh Manhas and others

... Petitioners

Versus

State of Punjab and others

... Respondents

23.

**CWP-8967-2021**

Sagar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

24.

CWP-16747-2021

Temple Thakaran Parsohtam Rai through its Mohatmeen Pranvesh Sharma

... Petitioner

Versus

State of Punjab and others

... Respondents

25.

CWP-17134-2021

Waryam Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**26.**

**CWP-17352-2021**

Jaram and others

... Petitioners

Versus

State of Punjab and others

... Respondents

**27.**

CWP-19747-2021

Vinod Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

28.

CWP-19946-2021

Naavniit Miterr

... Petitioner

Versus

State of Punjab and others

... Respondents

29.

CWP-20541-2021

Kartar Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

30.

CWP-20774-2021

Kamal Sharma

... Petitioner

Versus

State of Punjab and others

... Respondents

31.

**CWP-20797-2021**

Gurdial Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

32.

CWP-21819-2021

Rashpal Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

33 CWP-22062-2021

Joginder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

34. CWP-22770-2021

Karnail Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

35. CWP-22895-2021

Jarnail Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

36. CWP-23284-2021

Chanan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

37.

**CWP-14385-2022(O&M)**

Keshav alias Keshav Kumar Aggarwal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

38.

**CWP-15644-2022**

Swami Gurdip Gir

... Petitioner

Versus

State of Punjab and others

... Respondents

39.

**CWP-29957-2022**

Amit Nanda

... Petitioner

Versus

State of Punjab and others

... Respondents

40.

**CWP-6995-2023**

Rupam Kaur Grewal

... Petitioner

Versus

State of Punjab and others

... Respondents

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**41. CWP-7101-2023**

Karm Chand

... Petitioner

Versus

State of Punjab and others

... Respondents

**42. CWP-7655-2023**

Parbeer Singh Grewal

... Petitioner

Versus

State of Punjab and others

... Respondents

**43. CWP-8247-2023**

Ranjit Singh Randhawa and another

... Petitioners

Versus

State of Punjab and others

... Respondents

**Date of decision : 09.05.2023**

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.R. S. Manhas, Advocate,  
Mr.Ranbir Singh Pathania, Advocate,  
Mr.Munish Puri, Advocate and  
Mr.S.K.Choudhary, Advocate  
for the petitioners.

Mr.Vikas Mohan Gupta, Addl.A.G. Punjab.

**VIKAS BAHL, J.(ORAL)**

1. In the present bunch of writ petitions, challenge is to the letter

dated 01.07.2020 vide which the respondents have passed an order to

transfer the land of the petitioners and further ordered to make changes in the revenue record.

2. On 14.01.2021, a coordinate Bench of this Court was pleased to pass order of status quo till the next date of hearing which was vacated on 13.12.2021 by a coordinate Bench of this Court. The order dated 13.12.2021 is reproduced hereinbelow:-

**“CM-12460-CWP-2021 in CWP-844-2021 and  
CM-12719-CWP-2021 in CWP-1035-2021”**

*These applications have been filed for vacation of interim order dated 14.01.2021 whereby status quo has been granted.*

*The writ petitions challenge letter dated 01.07.2020 (Annexure P-11) whereby the Government of Punjab in Forest and Wild Animals Protection Department had directed the Deputy Commissioner Pathankot to get land in dispute mutated in favour of the Forest Department. The said communication has been issued on the basis of judgment dated 11.02.2014 passed in CWP No. 8706 of 1988 as well as judgment dated 30.01.2014 passed in Regular Second Appeal No. 2630 of 1985 **The Divisional Forest Officer, Gurdaspur and others vs. Gian Singh and others.***

*The case of the petitioners is that their land is not covered under the notification of 1904 whereby 27550 acres of land in Shahpur Kandi was declared as forest land. The judgment dated 11.02.2014 passed in CWP No. 8706 of 1988 is based upon the said notification and, thus, this judgment is not applicable to their case. This is further fortified from the notification itself, copy of which is on record as Annexure P-6.*

*Learned State counsel has submitted that aforementioned Government Notification is incomplete. The complete notification shows that land of the village of the petitioners is part of the said notification. Thus, a misrepresentation has been made before this Court. Further, a specific averment has been made that the land of the petitioners is part of 27550 acres comprised in Shahpur Kandi forest area and there is no counter to this averment. The impugned letter only directs entry of a mutation and does not adversely affect the rights of the petitioners in any manner and, thus, the interim order dated 14.01.2021 may be vacated.*

*Learned counsel for the petitioners has not been able to rebut the submission that vide the impugned letter mutations are sought to be entered. This is also borne out on a perusal of the said letter. Further, it is the specific case of the State that the land in dispute is part of Shahpur*

*Kandi forest area and there is no contradiction of this statement by way of replication. Even if mutation is entered/sanctioned, proprietary rights, if any, of the petitioners shall not be adversely affected.*

*In view of the above, interim order dated 14.01.2021 is vacated.*

*Applications stand disposed of.*

**CWP-844-2021 and other connected cases**

*Adjourned to 06.07.2022.*

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

*December 13, 2021*

*(SUDHIR MITTAL)  
JUDGE”*

On 19.04.2023, when the bunch of writ petitions came up for hearing, this Court was pleased to pass the following order:-

*“Challenge in the present bunch of writ petitions is to an internal letter dated 01.07.2020 (Annexure P-11). It has been stated that the issue arising in all the said writ petitions are common and with the consent of all the parties, CWP-844-2021 is treated as the lead case.*

*Learned Additional Advocate General has stated that the application for vacation of stay filed on behalf of respondent No.5 in CWP844-2021 be treated as the reply on behalf of all the respondents.*

*The averments made in the above-said application for vacation of stay would be considered at the time of adjudication of the present bunch of petitions and it would be open to the petitioners in all the writ petitions to take a copy of the said application filed in CWP-844-2021. In case, any such request is made, the learned State counsel is directed to supply a copy of the said application.*

*Learned State counsel has opposed the present writ petitions both on maintainability as well as on merits and has brought out the following facts: -*

*(i) It is submitted that the challenge in the present writ petitions is to an internal letter and such kind of a challenge is unknown to law. It is further submitted that the said internal letter had never been supplied to the petitioners and thus, the petitioners would have to furnish an explanation as to how the said copy of letter had been obtained by them.*

*(ii) It is stated that a perusal of the jamabandis including the jamabandi annexed in CWP-844-2021 (Annexure P-1) would show that the mutation No.1567 has been entered, but neither a copy of the mutation has been annexed nor the said mutation has been challenged. It is also stated that in case the petitioners are*

*aggrieved with the mutation entries, there is an alternative remedy under the Punjab Land Revenue Act available regarding the same and thus, the present writ petitions on the said aspect are not maintainable.*

*(iii) It is submitted that there is no challenge to the notification of 1904, vide which, the settlement had taken place and the entire chunk of land was declared as forest land. It is further submitted that there is no challenge to the letter dated 28.11.1986 and thus, on the said ground also, the present writ petitions would not be maintainable. It is also submitted that the persons, who had challenged the notification/letter by filing writ petitions, were unsuccessful and the said writ petitions were dismissed and no appeal against the said judgment had been filed.*

*(iv) It is stated that in the lead case as well as in a large number of other connected cases, even the notifications dated 05.01.1904 (Annexures P-3 & P-4) have not been annexed in their entirety. It is further submitted that the land belongs to the forest department and thus, neither the petitioners have a right in the said land nor the petitioners have sought any declaration with respect to the land from a Competent Court of Law.*

*Learned counsel for the petitioners pray for an adjournment to seek instructions and to argue the matters.*

*Last opportunity is granted to argue the matter.*

*Adjourned to 09.05.2023.*

*To be taken up at 2.45 PM.*

*It is made clear that no further adjournment will be granted in the present writ petitions.*

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

*April 19, 2023”*

3. Learned counsel for the petitioners has submitted that the petitioners be permitted to withdraw the present petitions with liberty to file fresh petitions after giving full and better particulars.

4. In view of the statement made by learned counsel for the petitioners, the present petitions are dismissed as withdrawn with the aforesaid liberty.

5. In case the petitioners file a fresh petition(s), it would be

incumbent upon them to file reply to application for vacation of stay filed

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on behalf of respondent no.5 in CWP-844-2021.

(VIKAS BAHL)  
JUDGE

May 09, 2023  
*Davinder Kumar*

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