

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

103

CWP-23598-2021

Date of Decision: 06.02.2023

TILAK RAJ

-Petitioner

Versus

STATE OF PUNJAB AND OTHERS

-Respondents

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

Argued by: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

KULDEEP TIWARI, J.

1. The petitioner has instituted the instant writ petition, being aggrieved by the order dated 12.03.2021, passed by the respondent No.2, vide which the appeal preferred by the respondent No.4, has been allowed.

2. The petitioner, along with proforma respondent Nos.5 to 7, had filed an application before the learned Collector, Hoshiarpur, under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the 'Act' for short), for declaring them owners of land measuring 91 Kanals 14 Marlas, bearing Khewat No.244, Khatoni No.362, 363, 364, Khasra No.967(4-9), 984(26-8), 2089(4-5), 2093(37-

16), 2063(3-16), 974(4-5), 975(3-16), 976(6-11), situated at Village Aglor, H.B. No. 641, Tehsil Dasuya, District Hoshiarpur. It was pleaded therein by the petitioner, and, the proforma respondents that they are permanent residents of Village Aglor, Tehsil Dasuya, and, their forefathers had been in cultivating possession of the land since 1929-1930, and, now they have been in cultivating possession thereof since 1965. Also, in the column of cultivation, in the revenue record, they have been recorded as cultivators. The application (supra) was contested by the Gram Panchayat- respondent No.4 herein, by filing written statement, and, taking plea therein that the land in dispute already stood mutated in the name of Gram Panchayat way back in 1955, after the consolidation proceedings, and, since then the Gram Panchayat concerned is owner of this disputed land. Both the parties led their respective evidence(s). The learned Collector concerned, without framing any issues, allowed the application (supra) vide order dated 04.07.2011, and, declared the applicants therein as owners of the disputed land.

3. Feeling aggrieved by the order (supra), the Gram Panchayat concerned preferred an appeal before the respondent No.2. The learned Appellate Authority, after considering the record, held that there is no supporting document available on record to substantiate the claim of the petitioner, and, the proforma respondents, that they, or, their forefathers had been in cultivating possession of the land in dispute prior to 26.01.1950. The petitioner, and, the proforma respondents, also failed to produce any pedigree table (Sajra Nasab) to establish that their ancestors

were in possession of the disputed land. Even no Girdawari, depicting their possession thereon, was available on record. Resultantly, finding the order dated 04.07.2011, passed by the learned Collector concerned, cryptic, the appeal was allowed, and, the order (supra) was set aside.

4. The learned counsel for the petitioner has stated that the learned first Appellate Authority has passed a non-speaking, and, cryptic order, which is not sustainable in the eyes of law. At the time of motion hearing, the hereafter extracted order was passed by this Court, on 11.07.2022:-

“Learned counsel for the petitioner prays for an adjournment to place on record the revenue record details relating to the entitlement of the petitioner to be declared owner under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, as it is asserted that his predecessors-in-interest were in possession of the land prior to 26.01.1950.

Adjourned to 24.08.2022”

5. Despite availing two effective opportunities, the petitioner failed to comply with the aforesaid order, and, has not placed any document on record, to substantiate his claim. We have also independently examined the order, as passed by the learned first Appellate Authority concerned, and find no error in the same. There was no document, whatsoever, before the learned Collector concerned, to conclude that the petitioner, along with proforma respondents, were in cultivating possession of the land in dispute since 26.01.1950, rather, as per the finding of the learned appellate authority concerned, the land was

mutated in favour of the Gram Panchayat concerned, way back in 1955, and, till date, the Gram Panchayat is recorded as owner in the revenue record.

6. A presumption of truth is attached with revenue record, and, no document, whatsoever, is placed on record, to rebut that presumption, despite affording number of opportunities, and, specific directions being issued to the petitioner. Therefore, after assigning conclusivity to the revenue record, we do not find any illegality, or, perversity in the order dated 12.03.2021, passed by the respondent No.2, and accordingly, the present writ petition is dismissed. The order (supra) is upheld and maintained.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

06.02.2023
devinder

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