

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

213

CWP-25954-2016

Date of Decision : 07.02.2023

GRAM PANCHAYAT VILLAGE BEHRAMPUR ZIMIDARA

.....Petitioner

Versus

JOINT DEVELOPMENT COMMISSIONER & ORS.Respondents

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

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

Mr. Abhishek Sindhu, Advocate
for respondent No. 3.

SURESHWAR THAKUR, J. (Oral)

1. Though the Gram Panchayat concerned, claimed that the tenure of the lease was only upto 2007. Contrarily, the lessee claimed that the lease as granted to her in respect of the petition lands, commenced on 05.07.2012, and, was to end on 04.07.2019. However, the plea, as raised in the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act'), by the Gram Panchayat concerned, became accepted, and, the plea (supra) as raised by the lessee concerned, rather became rejected. Therefore, the learned Collector concerned, through an order embodied in Annexure P-3, ordered for the eviction of the respondent therein, from the petition land.

2. The aggrieved therefrom instituted an appeal thereagainst before the learned Appellate Authority concerned. The learned Appellate Authority allowed the appeal, but after concurring with the contention as became raised before it, by the appellant one Asha Rani, that the period of lease was to end on 04.07.2019, especially when the lease amount became regularly deposited since then upto 04.07.2017. Therefore, it concluded that the order of eviction, as, made against the lessee concerned, is infirmly recorded. Moreover, it was also recorded that the possession of the leased lands be restored to the lessee.

3. Therefore, the Gram Panchayat concerned, is aggrieved from the above made order by the learned Appellate Authority concerned. The learned counsel appearing for the appellant submits, that since in the operative part of the verdict recorded by the Appellate Authority, there occurs an echoing, that the respondent concerned, has deposited the lease money only upto 04.07.2017. Thus, the wants of subsequent thereto deposits being made by the lessee concerned, did render the lease period to end on 04.07.2017. In consequence, he submits that the petitioner was liable to be evicted from the petition lands.

4. However, the above argument is not acceptable to this Court. The reason being, that even if the Appellate Authority concluded that the respondent-lessee, had deposited the lease money, only upto 04.07.2017, and, not upto 04.07.2019, but since in immediate sequel thereto, the Gram Panchayat concerned, did not cast an able eviction petition under Section 7 of 'the Act', nor did cast an able execution petition, as were then required to be instituted, at their instance, rather

for the relevant purpose.

5. The omission (supra), does make the respondent-lessee to be yet holding possession of the petition lands, and, the only possible relief which can be now granted by this Court, is that, in case the respondent-lessee has not deposited the entire complement of lease money from 04.07.2017 to 04.07.2019, qua thereupon, hers forthwith making the above deposit alongwith interest, thereons at the rate of 5 per cent per mensem, hence in the establishment of the Gram Panchayat concerned.

6. Further, as submitted by the learned counsel for the petitioner that the respondent lessee is yet holding possession, over the lease lands, therefore, if so, it is open to the Gram Panchayat concerned, to re-institute a fresh eviction petition, for eviction against the respondent-lessee. Moreover liberty is also reserved to the petitioner to draw appropriate lawful proceedings against the lessee, for hers purportedly forging the lease deeds concerned.

8. Disposed of with the above observations and directions alongwith all pending applications, if any.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

07.02.2023

kavneet singh

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