

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

116 + 222

**CWP-28662-2018 (O&M)
Date of Decision : January 10, 2023**

JAGTAR SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: Mr. Gurmeet Singh, Advocate
for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

Mr. Vishal Garg, Advocate
for the respondent No.4.

SURESHWAR THAKUR, J.(ORAL)

1. The petitioners are aggrieved from the concurrently made verdicts by both the authorities below, wherethrough, they were ordered to be evicted from the petition land.

2. The learned counsel for the petitioners, makes a contention before this Court that, without any valid demarcation of the sites concerned being conducted, by the competent revenue officer, yet, both the learned Courts below made an order of eviction upon the petitioners, from the petition lands. He submitted that the houses of the petitioners are not located on the disputed Khasra number. Thus, the onus was cast upon the Gram Panchayat concerned to support its claim for eviction of the petitioners from the disputed Khasra number, through its tendering and proving a validly drawn demarcation report in respect of the petition lands, but, the above recourse became never adopted by the Gram Panchayat

concerned. Therefore, both the authorities below could not have been ably capacitated to yet make any conclusion that, on the disputed Khasra number, rather exist(s) the houses of the petitioners.

3. The aforesaid infirmity, as carried in the impugned orders, was strived to be undone by the petitioners through their making a prayer before this Court, for a valid demarcation of the sites concerned, being conducted by a competent revenue officer. The above made prayer was accepted by this Court, and, an order was pronounced on 14.11.2022, with a direction to the respondents concerned to carry a valid demarcation in respect of the petition lands.

4. The above order has been complied with, but, the demarcation report, as has been placed on record, does not mention, that the demarcating officer concerned, in his proceeding to carry the demarcation of the petition lands, had carried along with him to the site concerned, rather all the relevant records. Moreover, in the demarcation as became conducted qua the petition lands, there is no mention that the said demarcation was conducted in accordance with the requisite canons, as enshrined in the Punjab Village Common Land (Regulations) Act. In sequel, this Court cannot accept the demarcation as made of the petition lands.

5. Moreover, be that as it may, since, as above stated, unless a valid demarcation was held of the petition lands and also the demarcation report was appended besides became proven in accordance with law, thereupon, no valid order for eviction of the petitioners from the petition land could be made. Since, as above stated, the Gram Panchayat concerned did not support its claim for eviction of the petitioners from the petition land through its either placing on record a validly drawn demarcation report,

besides, proving the same. In consequence, the impugned orders suffer from a gross infirmity, and, are required to be quashed and set aside.

6. Since, this Court, as above stated, has not accepted the demarcation report, as becomes being drawn by the revenue officer concerned, in pursuance to directions, made by this Court on 14.11.2022, therefore, the lis is remanded to the learned Collector concerned, to accordance with law, but, only after ensuring that a valid demarcation of the petition land becomes conducted by the competent revenue officer thereafter, and, after hearing all concerned to make a fresh decision upon the lis concerned. The above be positively done within a period of 6 weeks from today.

7. Disposed off accordingly.

**(SURESHWAR THAKUR)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

January 10, 2023
devinder

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No