

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

**CWP No. 18336 of 2023**  
**Reserved on: 25.09.2023**  
**Date of decision: 28.09.2023**

TDI INFRASTRUCTURE LTD.

-PETITIONER

VERSUS

FINANCIAL COMMISSIONER, HARYANA & ORS.

-RESPONDENTS

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

Present : Mr. Munish Gupta, Advocate  
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with  
Mr. Saurabh Mago, DAG, Haryana  
for the respondents No.1 to 4.

Mr. S.P. Chahar, Advocate  
for the respondent No.5.

Mr. Ashish Pannu, Advocate  
for the respondent No.6.

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**SURESHWAR THAKUR, J.**

1. Through the instant writ petition, the petitioner challenges the makings of Annexure P-6, as became drawn by the learned Assistant Collector concerned, thus on 06.01.2017, whereby, the petitioner was ordered to be evicted from the Panchayat lands. Moreover, challenge is also made to the concurring therewith orders, respectively made by the learned Collector concerned, on 11.02.2020 (Annexure P-8), by the learned Commissioner concerned, on 03.03.2021 (Annexure P-11), and, by the learned Financial Commissioner concerned, on 02.12.2022 (Annexure P-13).

**SUBMISSIONS OF THE COUNSEL FOR THE PETITIONER**

2. The learned counsel appearing for the petitioner has contested the

makings of the above concurrent orders by the statutory authorities below, whereby, the petitioner was ordered to be evicted from the lands owned and possessed by the Gram Panchayat concerned, thus on the ground, that the said orders becoming untenably banked, upon, a spot inspection report of 25.09.2013.

3. In the said spot inspection report, though it became unraveled, that the Panchayat lands carrying the revenue designation of Gair Mumkin Khal, Gair Mumkin Waterways and Gair Mumkin Rastas, becoming untenably utilized, by the petitioner-Company. However, the learned counsel for the petitioner argues, that the said spot inspection report, did not hold evidentiary vigour, thus of a co-equal evidentiary strength, to that of a validly drawn demarcation report, as the said spot inspection report, even if assumingly was made by a revenue officer concerned, rather became never tendered into evidence by its author, nor became proven in accordance with law. Therefore, he submits, that no reliance as such could be placed upon the said spot inspection report, thus by the statutory authorities below.

**REASONS FOR REJECTING THE SUBMISSION(S) OF THE COUNSEL FOR THE PETITIONER**

4. The reason for rejecting the above submission, as addressed before this Court, becomes founded upon the factum, that the statutory authorities below well concluded, that the petitioner failed to establish, the legality of his making occupations, and, that rather his untenably utilizing the above lands with the above revenue descriptions. The petition lands carrying the above revenue designations, are but obviously owned and possessed by the Gram Panchayat concerned. The above fact is also evident on a perusal of the ownership column, as carried in the relevant Jamabandis.

5. Conspicuously, the petition lands with the above revenue

designations, become reflected in the relevant Jamabandis to be illegally occupied by the present petitioner. The entry (supra) declaring the petitioner to make illegal occupations over the Panchayat lands, thus has a rebuttable presumption of truth, and though could become well rebutted, through adduction of cogent evidence, suggestive that the petitioner had been assigned lease vis-a-vis the petition lands. However, the said evidence, to thus rebut, the above presumption of truth, carried by an entry in the revenue records, thus reflecting the petitioner to be holding illegal occupation of the Panchayat lands, rather remained unadduced. Therefore, for want of adduction of evidence (supra), thus for eroding the presumption of truth attached to the said entry, thus makes the said entry, to enjoy conclusive vigour.

6. As a natural corollary thereof, the petitioner is in unauthorized occupation of the Panchayat lands. The said fact is even admitted in the pleadings cast in paragraph 3 of the revision petition, as became preferred at the instance of the present petitioner.

7. The effect of the above made admission, is that, the petitioner could not retain the Panchayat lands, nor could the petitioner ask for demarcations being made of the Panchayat lands, thus admitted to be unauthorizedly occupied by the petitioner. The reason becomes comprised in the factum, that if the lands adjoining the Panchayat lands, thus became owned by the petitioner, thereby there could possibly be a boundary dispute inter se those lands owned by the petitioner and the lands adjoining thereto, rather owned by the Gram Panchayat concerned. However, there is no such clear forthright evidence, suggestive that the petition lands adjoin the lawfully held lands of the present petitioner. Therefore, since there was no boundary dispute inter se the lands of the petitioner, and, the lands of the Gram Panchayat concerned. As but a natural

corollary thereof, there was no necessity of a valid demarcation becoming conducted, nor also there was any necessity for the author of the demarcation report, thus tendering and proving the same in accordance with law.

8. Contrarily, the admitted illegal occupation over the Panchayat lands, thus by the petitioner, did ipso facto estop the petitioner to yet cultivate any valid ground, that there was as such any necessity for a valid demarcation report being purveyed, and/or, the same becoming tendered and proven in accordance with law.

9. In summa, with there being no apposite boundary dispute, the drawing of a valid demarcation report, and/or, the same being proven by its author by stepping into the witness box, rather was a needless exercise. Therefore, this Court does not find any merit in the writ petition and is constrained to dismiss it. Accordingly, the writ petition is dismissed, and, the impugned orders are affirmed and maintained.

**(SURESHWAR THAKUR)**  
**JUDGE**

**(KULDEEP TIWARI)**  
**JUDGE**

**28.09.2023**  
**devinder**

*Whether speaking/reasoned ? Yes/No*  
*Whether reportable ? Yes/No*