

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

CWP-27592-2019 (O & M)

Reserved on: 18.01.2023

Pronounced on: 27.01.2023

Gurmeet Singh and Others

.....Petitioners

Versus

State of Punjab and Others

.....Respondents

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

Argued by: Mr. Balbir Singh, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab.

Mr. J.S.Bhandohal, Advocate
for respondent No. 5.

Mr. Kamal Narula, Advocate
for respondent No. 6.

SURESHWAR THAKUR, J.

Factual Background

1. The petitioners become aggrieved from the concurrently made orders, respectively by the learned Collector concerned, and, by the learned Appellate Authority concerned, and, as become respectively embodied in Annexures P-10 and P-11, wherethroughs' the extant petitioners, petition cast under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, with a releif therein qua the petitioners becoming declared to become lawful owners of the petition

land, rather became dismissed. The reason as becomes concurrently assigned by both the authorities below, in declining the above relief, to the petitioners herein, became rested upon the factum, that though in the jamabandi drawn for the year 1949-50, in the column of ownership thereof, a reflection occurs qua the writ lands becoming described as *shamlat deh hasab hisas mudarja sijra nasab*, but yet in the jamabandi drawn in respect of the writ land, for the year 1956-57, emphatically in the column of ownership thereof, rather the name of the Gram Panchayat concerned occurring, and, also in the column of possession, the name of the Gram Panchayat concerned, likewise occurring. Moreover, since in the jamabandi drawn for the year 1996-97, in the column of possession, Mohan Singh son of Lal Singh and Jaspal Singh son of Manmohan Singh becoming reflected to hold illegal possession of the petition land. In addition, since the petitioners' possession over the disputed land, evidently happening only in the year 2007-08. Therefore, reiteratedly in view of all the above entries, a conclusion became recorded, that the petitioners completely failing, to establish that they were prior to 26th January, 1950 in possession of the suit land, through their predecessors in interest, and, as such, they were not entitled to retain possession of the petition land. Consequently, both the authorities below concluded that the petitioners are in illegal occupation of the disputed lands, and, that they are not entitled to claim any declaratory relief that they are lawful owners in possession of the suit land.

Inference of this Court on the above drawn verdicts.

2. Though, the petitioners on becoming aggrieved from the

above drawn concurrent verdicts, did cast thereagainst the instant petition before this Court. However, the above assigned reasons by both the authorities below, to decline the espoused relief to the petitioners rather cannot be interfered, as they are drawn after a careful application of judicious mind, and, also become planked on a circumspect analysis of the revenue records, besides on an apt and appropriate application thereons, of the relevant statutory provisions.

3. What adds strength to the above drawn conclusion, ensues from the factum, that the Gram Panchayat concerned, has made a resolution comprised in Annexure P-6, for sale of the disputed lands, to the petitioners herein. The makings of the said resolution, in favour of the petitioners, qua the disputed lands, is but an admission of the petitioners, that they have not any valid right, title or interest in the petition lands. Thus, they are naturally estopped to contend that the verdicts made against them by both the statutory authorities below are infirm or are fallaciously drawn.

Principles of Law.

(1) In case the petitioners fail to establish their continuous possession of the suit land prior to 26th January, 1950, either by themselves or through their predecessors in interest, then in that event, the petitioners do not hold any right/title over the said land.

(2) In case the petitioners raise a claim for sale of the disputed lands in their favour, thereupon, the said claim comprises an admission of theirs holding unlawful possession of the disputed lands besides estops them from claiming any valid right, title or interest over the disputed lands.

Final order of this Court

4. Consequently, though this court does not find any merit in the petition and is constrained to dismiss the same. However, in the larger interest of justice, if the petitioners are entitled to receive the benefit of the relevant rules appertaining to lawful permission being granted to the petitioners to purchase land from the Competent Authority, thereupon, the Competent Authority may proceed to process the resolution of the panchayat concerned, as carried in Annexure P-6 with a proposal therein for the sale of the suit land being made to the petitioners herein. The above processing shall be completed within three months from today but only after an opportunity of hearing being granted to the petitioners herein.

5. Disposed of.

6. Since the main case itself has been decided, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

27.01.2023

kavneet singh

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