

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1931 of 2018 (O&M)

Date of Decision: 14.07.2023

Gandharab Singh and Others

... Appellant(s)

Versus

Gram Panchayat, Kot Bhattian, Tehsil and District Pathankot and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vishal Aggarwal, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The plaintiffs assail the concurrent findings of facts arrived at by both the Courts below by filing the present regular second appeal. Their suit for grant of declaration by challenging the eviction notices sent by the Gram Panchayat has been dismissed by both the Courts below. The plaintiffs claim to be the owners of the property which is disputed by the Gram Panchayat. Both the Courts below have held that in view of Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the 1961 Act”), the Civil Court has no jurisdiction.

2. The learned counsel representing the appellants submits that though, both the Courts below have held that the Civil Court has no jurisdiction, but still certain observations/findings have been recorded with respect to the merits of the case. He further submits that once the Civil Court has no jurisdiction, the observation or findings are also without jurisdiction.

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representing the appellants. Once both the Courts below have held that the Civil Court has got no jurisdiction to adjudicate the dispute in view of the power granted under Section 13 of the 1961 Act, it was not appropriate for the Courts to make an observation on the merits of the case.

4. Keeping in view the aforesaid facts, the present appeal is disposed of with the observation that such findings or observation on the merits of the case shall not be construed as final expression on the merits.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 14, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No