

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

COCp-2544-2022

Date of Decision : May 03, 2023

Raghvir Singh

.....Petitioner

Vs.

Bhupinder Kaur Sarpanch and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Mr. A.P. Kaushal, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J.

The petitioner has filed this petition for willful disobedience of order dated 5.2.2021 passed by the writ Court in CWP-4828-2020 titled as 'Jasmer Singh through LRs Vs. The Joint Development Commissioner Punjab and others."

Brief facts of the case are that the petitioner has filed a petition under Section 11 of the Punjab Village Common Land Act, before the Additional Deputy Commissioner (Development), Ropar with regard to the suit land as detailed in the petition situated in village Bholon Kalewal, Tehsil and District Rupnagar. The claim of the petitioner is that he is in possession of the property since long and same was given to him by the Department of Custodian and the Panchayat has no role. It is also stated that the petitioner was shown as *gair marusi* in the revenue record.

Counsel for the petitioner has submitted that vide order dated 16.11.2007, the Collector dismissed the petition filed by the petitioner. The petitioner filed an appeal before the Director, Panchayat-cum-Commissioner and it was allowed vide order dated 28.2.2011 and the case was remanded back to the Collector.

It is stated that thereafter, the Collector vide order dated 26.12.2012 allowed the petition and declared the petitioner as owner in possession of suit property. However, in appeal filed by the Gram Panchayat, the Director, Panchayat-cum-Commissioner set aside the order of the Collector vide its judgment dated 6.2.2019.

Counsel for the petitioner further submitted that the order dated 6.2.2019 was challenged by way of filing CWP-4828-2020, in which the writ Court has granted *status quo* as it existed on that day with regard to possession, nature of land and alienation to be maintained, in the meantime.

Counsel for the petitioner has submitted that the Sarpanch of the Gram Panchayat is trying to interfere in the possession of the property and, therefore, the present contempt petition has been filed.

Reply by way of affidavit of the Sarpanch, Gram Panchayat is filed in which a specific stand has been taken that the possession of the land in dispute was taken by the Gram Panchayat on 13.3.2020 in execution of warrant of possession and a Rapat No.347 was entered in the Jamabandi for the year 2018-2019. It is stated that an eviction order was passed against the petitioner on 24.9.2010 by the competent authority and in execution possession was taken much prior to order of *status quo*.

It is stated that the Gram Panchayat is leasing out the land and in the month of July 2020, it was leased out @ Rs.60,000/- per acre vide lease deed dated 18.7.2020 and the amount was deposited with the

Gram Panchayat. However, later on when the petitioner raised the dispute, nobody came forward to take the land and therefore, it was decided to plant fruit plants but it was dropped later on and by passing resolutions, it was decided to cultivate the land by itself.

It is stated that there is no violation of the order dated 5.2.2021 regarding the possession, nature of land or alienation as the Panchayat is in possession of the property.

Along with the reply, reference is made to the Jamabandi for the year 2018-19 to submit that entry of possession in favour of Panchayat has already been incorporated in the same much prior to the passing of the *status quo* order.

Reliance is also placed on the auction proceedings of the Gram Panchayat dated 18.7.2020 and of subsequent dates, to submit that the Panchayat is managing the land in dispute by giving it on lease on year to year basis.

Separate reply by the Incharge, Police Post Purkhali, Police Station Sadar, Rupnagar is also on record, in which it is stated that when information was received regarding plantation, the police reached at the spot and verified the documents and in this regard, DDR No.8 dated 15.9.2022 was registered.

After hearing the counsel for the parties, no willful disobedience is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

May 03, 2023
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO