

In the High Court of Punjab and Haryana at Chandigarh

(108)

CWP No. 34 of 2023

Date of Decision: 17.1.2023

Toti Singh @ Tota Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Navneet Singh, DAG, Punjab.

SURESHWAR THAKUR, J.

1. The petitioner becomes aggrieved by the concurrently made orders by both the statutory authorities concerned, orders whereof are respectively embodied in Annexure P-2, and, in Annexure P-5. The reason which became concurrently assigned, by both the authorities below, to grant relief to the Gram Panchayat concerned, which has sought the eviction of the petitioner herein from the writ land, becomes comprised in the factum, that since in the jamabandi, prepared in the year 1950, there is an entry of *Gair Makbuja Kamiana*. Therefore, since the petitioner herein was unable to establish before both the authorities concerned, that he is a member of the above scheduled caste community, and, also when he was not able to adduce any evidence, suggestive that a valid allotment of the said land was made in his favour by the competent authority concerned. Consequently, the said entry, which remained un rebutted, led to a concurrent verdict, being made by both the authorities below, that the assumption of possession of the writ khasra numbers, at the instance of the petitioner herein, rather is completely unlawful, and, which ultimately resulted in his being ordered to be evicted therefrom.

2. When the matter was heard before this Court, the learned counsel

for the petitioner has vigorously argued, that the said entry is a stray entry, and, was liable to be quashed, and, set aside, whereas, the authorities below not taking to make an order for quashing the same. Therefore, the assigning of credibility to the said entry, is completely frail as well as erroneous.

3. However, the above made submission by the learned counsel for the petitioner, does not appeal to the judicial conscience of this Court, as the said entry occurs in the revenue records, appertaining to the writ khasra numbers, and, become reflected in the jamabandi, drawn for the year 1950. The reason for making the above conclusion ensues from the factum, that a presumption of truth is enjoyed by the revenue entries, and, though the said presumption is rebuttable, yet there was an imperative necessity on the part of the petitioner to lead cogent evidence to rebut the truth or the efficacy of the said revenue entry. However, a perusal of the records, as available today before this Court, does not disclose that the said evidence to rebut the presumption of truth assigned to the above said revenue entry, became adduced by the petitioner, before both the statutory authorities concerned. In sequel, creditworthiness is to be assigned to the said entry, and, resultantly, the said entry incapacitated the writ petitioner to claim, that his possession over the writ khasra numbers, was lawful.

4. There is no merit in the petition, and, the same is dismissed. The impugned orders are maintained, and, affirmed.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 17, 2023
Gurpreet