

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

237

CWP-26751 of 2023

Date of Decision:05.12.2023

Harmanjeet Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Amandeep Saini, Advocate,
for the petitioners.

Mr. Maninder Singh, DAG, Punjab

Mr. Parminder Singh, Advocate, for
Mr. Vivek Chauhan, Advocate,
for respondent No.9-Gram Panchayat.

SURESHWAR THAKUR, J. (Oral)

1. The present petitioners claim themselves to be persons whose names occur in the cultivation column in the *Jamabandi* appertaining to the writ lands. The said *Jamabandi* is enclosed as Annexure P-1. The grievance as reared before this Court by the petitioners, is that, in the District Survey Plan (Annexure P-6), and, in the mining plan (Annexure P-8), thus become included those lands in respect whereof, the present petitioners have lawful right, title and interest. In consequence the impugned above annexures are asked to be quashed. The learned State counsel as well as the learned counsel

appearing for respondent No.9-Gram Panchayat concerned, draw the attention of this Court, to an order recorded on 30.06.2016, by the Collector concerned in a *lis* instituted against some of the present petitioners by the Gram Panchayat Khizrabad, Tehsil Kharar, District Mohali.

2. A reading of the operative part thereof reveals, that since the respondents therein had raised a dispute with respect to theirs becoming entitled to the petition lands, therefore the learned Collector concerned deemed it fit and appropriate to defer the making of an adjudication, upon, the petition cast under Section 7 of the Punjab Village Common Land (Regulation), Act 1961 (hereinafter for short “the Act”), thus upto the respondents therein, some of whom are the petitioners before this Court, thus avail the endowment purveyed to them to file a petition under Section 11 of the Act, besides also till a conclusive and binding decision becomes recorded thereons.

3. Therefore, but obviously at this stage there is no order of eviction passed against the present petitioners, who are the respondents in the said petition nor also there is any binding and conclusive decision rather made by the learned Collector concerned, thus on a petition cast under Section 11 of the Act. Therefore, naturally at this stage it cannot be concluded, that the present petitioners have any lawful right, title and interest over the petition lands nor also at this stage, it can be well contended by their counsel, that the impugned annexures are at this stage liable to be quashed and set aside.

4. Be that as it may, it is stated at the bar by the learned State

counsel, on instructions, that in the impugned annexures rather include only some of the lands in respect thereof, the above disputes are still pending before the authority concerned or are likely to be laid there before. He submits that only *Khasra* Nos.39//3, 39//4, 39//7, 39//8 are recorded in the said annexure. If so to ensure that equities qua *Khasra* numbers supra, are not disturbed amongst the litigants concerned, as may arise in case the present petitioners are made recipients of a declaratory decree becoming passed in their favour in respect of the above *Khasra* numbers. Therefore, this Court proceeds to quash the impugned annexures only in so far as they include therein, the above *Khasra* numbers.

5. In view of the afore, the present petition is allowed.
6. Pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 05, 2023
dinesh

Whether speaking : Yes/No

Whether reportable : Yes/No