

2024:PHHC:155746-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CWP-19101-1997

Decided on: 25.11.2024

Ram Singh & others

.....Petitioner (s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present:- None for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr.Saurabh Mago, DAG, Haryana.

G.S. Sandhawal, J. (Oral) :

1. The present writ petition, filed under Article 226/227 of the Constitution of India in the year 1997, seek the right of ownership regarding the redistribution of the land in question being the proprietors and the right-holders of the village. Direction is also sought to the respondent-State to provide a forum since Section 13-A of the Haryana Village Common Lands (Regulation) Act, 1961 (for short, the 'Act') having been omitted and the jurisdiction of the Civil Court being barred on the issue of title.

2. Mr.Mittal submits that Section 13-A of the Act which was omitted by Haryana Act No.9 of 1992 and Section 13-A has been re-inserted by Haryana Act No.9 of 1999 w.e.f. 10.03.1999 which provides that right, title or interest in the land vested and deem to have been vested in the Panchayat, could be adjudicated on the claim received by any person claiming the right of title who contests the fact that it does not vest in the Panchayat. It is in such circumstances mutation having been entered in favour of the Gram Panchayat had also been challenged.

3. In similar circumstances, in CWP-13793-1996 titled *Amar Singh & others Vs. The State of Haryana & others*, decided on 26.08.2014, petitioners were relegated to their remedy before the competent authority under Section 13-A of the Act. The said order reads as under:

“The petitioners who claim themselves to be Proprietors of Village have filed the instant writ petition challenging the mutation order effected in favour of the Gram Panchayat on the basis of the amendment made in The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act') vide Act No.19 of 1976.

This writ petition was filed in the year 1996. After filing of the writ petition now an amendment has been made in the Punjab Village Common Lands (Regulation) Act, 1961 as applicable in Haryana, adding Section 13-A in the Act, which provides a remedy to the Proprietors to agitate the question of title before the Collector under Section 13-A qua the land in question.

Similar writ petitions filed by other Proprietors have also been disposed of with liberty to them to raise the question of title qua the land in dispute before the Competent Authority under Section 13-A of the Act. In this regard the reference can be made upon the orders passed by this Court in CWP No.10901 of 1997 Om Parkash and others Versus State of Haryana and others decided on 10.10.2002 and CWP No. 8717 of 1995 Dharam Singh and others Versus The State of Haryana and others decided on 3.7.2013.

In view of the said factual and legal position, this writ petition is disposed of with liberty to the petitioners to move an appropriate application before the Competent Authority under Section 13-A of the Act, for adjudication of the title qua the land in question.

Disposed of accordingly.”

4. Keeping in view the above, we dispose of the present writ petition, with liberty to the petitioners to avail their remedy, in accordance with law, if not already preferred.

(G.S. SANDHAWALIA)
JUDGE

25.11.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No