

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5657-1996 (O&M)
Reserved on: 11.03.2024
Date of Decision : March 19, 2024

BALBIR SINGH (DECEASED) THROUGH LRs
...Petitioners
V/S
THE COLLECTOR ROHTAK (DEPUTY COMMISSIONER ROHTAK)
AND OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr. Amit Jain, Sr. Advocate with
Mr. Chetan Salathia, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ramesh Hooda, Advocate
for respondent No.3.

SURESHWAR THAKUR, J.

1. The instant writ petition is directed against the concurrently made verdicts of eviction, as become respectively carried in Annexures P-2 and in Annexure P-4, whereby the statutory authorities below decreed the Gram Panchayat's petition for eviction, as became constituted under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as "the Act").
2. From a keen study of the impugned annexures, besides a careful analysis of the records available before this Court, it is transparently clear that the Gram Panchayat, is the recorded owner of the disputed lands.

Moreover, it is also evidently clear from the relevant records, that in the

consolidation operations which became conducted in the *Mohal* concerned, in the year 1952, the disputed lands became reserved for a playground.

3. Consequently, when no evidence became adduced by the petitioners for therebys theirs becoming entitled to the beneficent grace of Section 2(g) of the Act. Moreover, when no cogent evidence became adduced by the petitioners rather to erode the efficacy of the entries in the jamabandi thus revealing the Gram Panchayat to be the owner of the suit lands, therebys conclusivity is to be assigned to the said revenue entries.

4. In sequel, it is to be concluded, that there was complete right, title and interest inhering in the Gram Panchayat concerned, over the suit lands, and, that there was no vestment of any lawful right, title and interest thereovers in the present petitioners. In aftermath, thus the Gram Panchayat concerned, was entitled to seek the eviction of the present petitioners from the suit lands. Furthermore, the assailed/impugned orders before this Court are meritworthy.

5. In aftermath, there is no merit in the instant petition, and, the same is dismissed. The impugned order of 18.4.1995 (Annexure P-2), and, impugned order of 28.8.1995 (Annexure P-4) are hereby affirmed and upheld.

6. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.03.2024

ITHLESH KUMAR
2024.03.21 10:50
I attest to the accuracy and
authenticity of this order/judgment

Itthlesh

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No