

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5667-1996
Reserved on: 09.01.2024
Date of Decision : January 22, 2024

AJMER SINGH AND ANOTHER
...Petitioners

V/S

JOINT DEVELOPMENT COMMISSIONER (I.R.D), PUNJAB AND
OTHERS
...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present : Mr. P.S. Chahal, Advocate for
Mr. G.S. Nagra, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR, J.

1. Through the instant writ petition the petitioners seek the quashing and setting aside of Annexure P-6, whereby, the learned Appellate Authority after accepting Gram Panchayat’s appeal bearing No.191-1992, proceeded to quash and set aside, the dismissal order, as became made, by the learned Collector concerned, on the Gram Panchayat’s petition, as became laid under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961.

2. The verdict of the learned Collector concerned, is comprised in Annexure P-5, and, the verdict of the learned Appellate Authority, is

comprised in Annexure P-6. The verdict of the learned Appellate Authority is challenged before this Court.

3. Learned counsel appearing for the petitioners, has vigorously argued, before this Court that since Annexures P-1 and P-2, annexures whereof, are the jamabandis appertaining to the suit lands, respectively for the years 1976-77 and 1981-82, thus not containing any reflection, that the petition lands became nomenclatured as “Gair Mumkin Chappar”. Therefore, he argues that the conclusion, as made by the learned Appellate Authority concerned, in Annexure P-6, that the petition lands rather carry the classification of “Gair Mumkin Chappar”, thus is completely infirm.

4. For the reasons to be assigned hereinafter, the above made contention, does not warrant any acceptance from this Court, and, as such is rejected.

5. The reason for forming the above inference, becomes sparked from the factum, that the learned counsel for the petitioners, has been completely unmindful of the entries, as carried in the jamabandis, for the years 1957-58, wherein, the petition lands have been classified, as “Gair Mumkin Chappar”. The making of the said entry, thus in the year 1957-58 enjoys a presumption of truth, and, unless cogent rebuttal thereto evidence became adduced by the petitioners, thereby the said entry is conferred with an aura of conclusivity.

6. However, there is neither any pleading nor any cogent evidence produced on record by the petitioners herein, whereby they chose to repel or repulse, the efficacy of entry (supra), in the apposite jamabandi, relating to

the petition lands, and appertaining to the years 1957-58, wherein, the petition lands are declared to be “Gair Mumkin Chappar”.

7. For wants above, it has to be concluded, that the said entries enjoy conclusivity, and that in the years subsequent to 1957-58, the petitioners, had changed the nature of the suit lands from “Gair Mumkin Chappar”, to the classification, as becomes reflected in the jamabandis (supra). Obviously the said change(s) in the classification of the disputed lands, is completely unauthorized, as thereby the earlier earmarking of the petition lands, as “Gair Mumkin Chappar”, thus for the benefit of the village proprietary body, rather has become untenably scuttled.

8. In consequence, for ensuring that the said earmarked reservation of the disputed lands, thus in the consolidation scheme, which also resulted in an unchallenged entry occurring in the column of classification, in the revenue records of the years 1957-58, as relating to the disputed lands, thus does not become untenably usurped, by the petitioners, besides to ensure that no prejudice or detriment, is done to the rights of the village proprietary body qua common users of the “Gair Mumkin Chappar”.

9. In sequel, after rejecting the reflections in the jamabandi (supra), pertaining to the years 1976-77, this Court affirms the impugned order of 24.03.1995 (Annexure P-6). Paramountly also for ensuring, that after the eviction of the petitioners from the disputed lands, thus the disputed lands become restored for the purpose for which they became earmarked, rather as “Gair Mumkin Chappar”, but necessarily for ensuring common users thereof, thus by the members of the village proprietary body.

10. In aftermath, there is no merit in the instant petition, and, the same is dismissed and, the impugned order of 24.03.1995 (Annexure P-6), is hereby affirmed.

(SURESHWAR THAKUR)
JUDGE

22.01.2024

(LALIT BATRA)
JUDGE

Ithlesh	Whether speaking/reasoned:-	Yes/No
	Whether reportable:	Yes/No