

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:040661

1. RSA-209-1994

Date of decision: 21.03.2024

JOGINDER SINGH

..Appellant

Versus

GRAM PANCHAYAT ISHAK

..Respondent

2. RSA-210-1994

RATI RAM

..Appellant

Versus

GRAM PANCHAYAT ISHAK

..Respondent

3. RSA-211-1994

KALI RAM

..Appellant

Versus

GRAM PANCHAYAT ISHAK

..Respondent

4. RSA-1134-1994

KULWANT SINGH & ORS.

..Appellants

Versus

GRAM PANCHAYAT

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the appellant (in RSA-1134-1994).

Mr. Rakshit Gupta, Advocate
and Mr. Rakesh Gupta, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. A batch of four connected regular second appeals arising from four different suits for the grant of decree of permanent injunction involving identical issue has come up for final disposal after a period of 30 years.

2. The appellant in RSA-1134-1994, is represented. Sh. Rakshit Gupta, Advocate, appears for Gram Panchayat in all these four appeals. The

respective appellants filed civil suit for the grant of decree of permanent injunction restraining the Gram Panchayat from interfering in their possession. In civil suit filed by Sh. Joginder Singh, which is subject matter of RSA-209-1994, the plaintiff claimed that he is in possession of the Gram Panchayat's land by paying Rs.100/- per acre as lease money. In RSA-210-1994, Sh. Rati Ram filed a suit for the grant of permanent injunction restraining the Gram Panchayat from interfering in his possession on the ground that he is also paying lease money at the rate of Rs.100/- per acre to the Gram Panchayat. In RSA-210-1994, similar stand was taken by Sh. Rati Ram. In RSA-1134-1994, the plaintiff Sh. Kulwant Singh and others claimed that they are in possession of the Gram Panchayat's land on payment of lease money of Rs.250/- per acre.

3. In some of the cases, the Sarpanch made a statement that he will not dispossess except in due course of law, however, in other cases, the suits were dismissed.

4. During the pendency of these appeals, substantial developments have taken place. The Gram Panchayat filed objections under the Public Premises Act, 1971, which were allowed. The appeals' filed by the occupants were dismissed, however, ultimately in LPA-468-2009, the Division bench permitted the Gram Panchayat to initiate the proceedings against the occupants under the provisions of Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the '1961 Act'). It has been brought to the notice of the Court that proceedings under Section 13-A of the 1961 Act to decide the question of vesting of the land were decided in favour of the Gram Panchayat by the Collector, which in appeal

has been upheld by the Divisional Commissioner. However, the matter is now pending before the Financial Commissioner.

5. In these cases, the prayer was only to grant injunction against forcible dispossession. The regular proceedings for decision on question of right, title or interest are stated to be pending before the Financial Commissioner.

6. Keeping in view the aforesaid developments, all the four appeals are disposed of with the observations that the appellants shall not be dispossessed except in due course of law. However, this Court has not made any observation with regard to the merits of the case and any observation made by the Courts below shall not be construed as final expression on the merits of the case. It shall be open to the authorities under the 1961 Act to decide the cases independently.

7. All the pending miscellaneous applications, if any, are also disposed of.

March 21st, 2024

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(ANIL KSHETARPAL)
JUDGE

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