

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA-2253-1994
Date of decision: 02.05.2024

NAWAL SINGH & ANR. ..Appellants

Versus

CHANDER & ANR ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S. Rana, Advocate
for Mr. Ashish Kapoor, Advocate
for the appellants.

Mr. Ramesh Hooda, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. This is the plaintiffs’ regular second appeal against the concurrent findings of fact arrived at by the Courts below while dismissing their suit for grant of decree of declaration.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. The plaintiffs purchased the agricultural land from Smt. Jeewani vide sale deed dated 07.06.1975. It was specified that the agricultural land is being sold by Smt. Jeewani along with her share in the ‘*shamlat*’ land.
4. The defendants while contesting the suit denied execution of the sale deed with respect to the share in the ‘*shamlat*’ land.
5. Upon appreciation of evidence, both the Courts have held that the suit land belongs to ‘*shamlat panna*’ and not ‘*shamlat deh*’. The plaintiffs never purchased any share in the land recorded as ‘*shamlat panna*’.

Thus, the suit filed by the plaintiff was dismissed.

6. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

7. The learned counsel representing the appellants submits that the sale deed proves that the plaintiffs have purchased the agricultural land along with a share in '*shamlat deh*'. Hence, the land defined as '*shamlat panna*' would be deemed to have been included therein.

8. This Court has considered the submissions of the learned counsel representing the parties.

9. As per Section 2 (g) of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the '1961 Act'), the land recorded as '*shamlat panna*', '*Tarafs*', and '*Pattis*', belongs to a particular village community. The same vests with the Gram Panchayat by virtue of the provisions of the 1961 Act, if it is used for a common purpose. In fact, after the land has vested in Gram Panchayat after having included in the definition of '*shamlat deh*', the proprietors cannot sell their share. In any case, the plaintiff has not purchased the land in '*shamlat deh*'. They purchased the land in '*shamlat panna*', which is a distinct category from '*shamlat deh*' in the traditional language because '*shamlat deh*' before coming into force of 1953 Act, was different from '*shamlat panna*' land.

10. Of course, after the enactment of 1961 Act, all the land used for the benefit of the village community has been included in the definition of '*shamlat deh*'. Moreover, the Gram Panchayat is not a party to the aforesaid suit.

11. Hence, no ground to interfere is made out.

12. Dismissed accordingly.
13. All the pending miscellaneous applications, if any, are also disposed of.

May 02nd, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No