

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 113)

LPA No.761 of 2024 (O&M)
Date of decision: 20.03.2024

Mehar Singh

.....Appellant

Versus

Joint Development Commissioner and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Inderjit Sharma, Advocate and
Mr. Neeraj Kalair, Advocate for the appellant.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal is directed against the judgment dated 30.01.2024 passed by a learned Single Judge of this Court dismissing the appellant's writ petition filed by him to challenge therein order of the revenue authorities ordering his eviction from Panchayat land.

(2) After hearing learned counsel for the appellant and examining the record which includes the impugned judgment, we find that the appellant's eviction was upheld by the learned Single Judge on the ground that the revenue authorities had found the appellant to be in possession of land described in the revenue record as "*Jumla Mustarka Malkan*" which, as per provision of Section 23-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 and Rule 16(ii) of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949, can be managed and controlled only by the Gram Panchayat as also that such

land cannot be redistributed even by the proprietors of the village because the same can be used only for common purposes for the benefit of the entire village.

(3) The afore findings are being found to be reasonable and based on the evidence led and by the parties before the revenue authorities.

(4) The submission made on behalf of the appellant that he is in possession of the land in Khasra No.445/1 and not Khasra No.446 qua which the eviction order has been passed is also found to have been duly dealt with by the learned Single Judge by holding that the eviction of the appellant shall only be from Khasra No.446.

(5) The argument raised before us that no opportunity was granted to the appellant before ordering the eviction is also found to be against the record as the impugned orders passed by the revenue authorities clearly show that before passing of the eviction orders not only was the appellant served with a notice of the application filed for his eviction but that he was also permitted to lead evidence and to place on record his written statement, which he did.

(6) Dismissed.

(DEEPAK SIBAL)
JUDGE

20.03.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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