



RSA-1123-1993 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(144)

RSA-1123-1993 (O&M)

Date of decision:- 22.05.2025

Ujjagar Singh @ Maghar Singh

... Appellant

Versus

**Gram Panchayat, village Kararwala, Tehsil Phul, District Bathinda
through its Sarpanch and others**

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Raina S. Thakur, Advocate
for the appellant.

None for the respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Appellant/plaintiff No.1 is in second appeal before this Court assailing the findings recorded by the learned Additional District Judge, Bathinda, whereby appeal filed by respondent No.1/defendant No.1 has been accepted.
2. Plead case of the plaintiffs is that they are owner in possession of land in village Kararwala along with private defendants No.2 to 4, who sold some portion of the suit land to various persons. It has been averred that defendant No.1/Gram Panchayat effected a mutation of the suit land in its favour in the year 1960 on the basis of a non-existence order dated 25.02.1960 allegedly passed by the Additional Director Punjab, Chandigarh. Claiming to be in possession of suit land for the last more than 135 years, plaintiffs averred that defendant No.1 obtained an order of their ejectment from the suit land from

**RSA-1123-1993 (O&M)****-2-**

District Development and Panchayat Officer on 26.05.1987, Ex. P-2, who did not have any jurisdiction. Appeal filed by the plaintiffs was dismissed by the Commissioner, Ferozepur on 01.06.1988, Ex.P-3, and a writ petition, preferred by them, was dismissed by a Division Bench of this Court on 04.08.1988, Ex.P-4, granting liberty to them to avail remedy to assert title over suit land. Plaintiffs had sought a declaration that along with private defendants, they are owners in possession of 03 kanlas 04 marlas land as per jamabandi for the year 1986-87 in village Kararwala, Tehsil Phul, District Bathinda in equal share and that mutation No.3053 dated 23.07.1960 sanctioned in favour of defendant No.1 is wrong. Plaintiffs also challenged order dated 26.05.1987, Ex.P-2, and sought a restraint order against defendant No.1. Upon being served, defendant No.1 filed a written statement contesting the suit. It has been submitted that mutation No.3053 has been sanctioned on the basis of the order dated 25.02.1960 passed by the Additional Director and the Gram Panchayat has been in possession of the suit land, which has been given on lease to various persons. A stand has also been taken that the plaintiffs and private defendants have been ordered to be evicted by the DDPO, Bathinda, vide order dated 26.05.1987, Ex.P-3, under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short “the 1973 Act”) and an appeal and writ petition filed against the said order have been dismissed. Plaintiffs filed a replication re-asserting their case. On the basis of the pleadings of the parties, Trial Court framed issues. After the parties led evidence and were heard, Trial Court accepted the suit vide judgment and decree dated 29.01.1991. Appeal preferred by defendant No.1 was accepted by the learned Additional District

**RSA-1123-1993 (O&M)****-3-**

Judge vide judgment dated 08.01.1993. Judgment and decree passed by the Trial Court was reversed, resulting in the institution of the present appeal by plaintiff No.1.

3. As is reflected from order dated 06.03.2024 passed by this Court, respondent No.1 refused to accept notice. In so far as respondents No.2 to 5 are concerned, this Court by order dated 18.01.1994 observed that as they are proforma respondents, they need not be served.

4. I have heard counsel for the appellant and considered his submissions, besides examining the record.

5. A perusal of the revenue record shows that a mutation No.3053, Ex. P-1, was sanctioned in favour of defendant No.1 on the basis of order dated 25.02.1960 passed by the Additional Director Jalandhar, Punjab and this fact is reflected in Column No.12 of the jamabandi for the year 1957-58, Ex.P-17. Land measuring 03 kanals 04 marlas is shown on the ownership of the Gram Panchayat. This entry is also reflected in the revenue record for the subsequent years. Land was let-out by the Gram Panchayat to a tenant, which is also evident from the khasra girdawaris, Ex.P-12 to Ex.P-16. From the revenue record, it is apparent that the Gram Panchayat is the owner with possession of the suit land. An examination of orders, Ex.P-2 to Ex.P-4, show that defendant No.1/Gram Panchayat filed an application for ejectment of the plaintiffs and private defendants under the 1973 Act, which was accepted by the Collector vide order dated 26.05.1987, Ex.P-2. Plaintiffs and private respondents failed in appeal as well as in a writ petition filed before this Court. While dismissing the writ petition, a Division Bench of this Court vide order dated



RSA-1123-1993 (O&M)

-4-

04.08.1988, Ex. P-4, observed as under:-

“The petitioner, may if so advised, raise the question of title, as is sought to be raised herein, before an appropriate forum availing ordinary civil remedies. No ground for interference by us has been made out. Dismissed.”

6. The orders passed by the authorities under the 1973 Act were, therefore, affirmed. Under Section 10 of the 1973 Act, finality is attached to the orders passed by the authorities under Act and Section 15, *ibid*, bars the jurisdiction of the Civil Court to entertain any suit or proceeding in respect of eviction of any person, who is in authorised occupation of any public premises. Civil Court, therefore, does not have any jurisdiction to entertain proceedings impugning orders passed by the authorities under the 1973 Act. There is no illegality or infirmity in the judgment passed by the learned Additional District Judge, which is affirmed.
7. Appeal being devoid of merit, is dismissed with no order as to cost.
8. Pending miscellaneous application(s), if any, is/are disposed of.

(SUVIR SEHGAL)
JUDGE

22.05.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No