

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

Date of Decision: 27.11.2025

(122)

CWP-20376-2025 (O&M)

2025.PHHC.164858



Jaspreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

(123)

CWP-20453-2025 (O&M)

2025.PHHC.164859



Satpal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Mahesh Dheer, Advocate
for the petitioner(s) (in both the cases).

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab,

Mr. Ajay Jain, Advocate
for respondent No.4 (in both the cases).

HARSH BUNGER J. (ORAL)

CM-17566-CWP-2025 in CWP-20376-2025:

Prayer in the present application is for placing on record certain
documents, i.e. Annexures P-10 and P-11.

For the reasons mentioned in the application, the documents, i.e. Annexures P-10 and P-11, are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CM-17568-CWP-2025 in CWP-20453-2025:

Prayer in the present application is for placing on record certain documents, i.e. Annexures P-17 and P-18.

For the reasons mentioned in the application, the documents, i.e. Annexures P-17 and P-18, are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-20376-2025 & CWP-20453-2025:

This order shall dispose of two writ petitions, bearing CWP-20376-2025 and CWP-20453-2025 as they involve common issues of law and fact. For the sake of convenience, the facts are being derived from CWP-20376-2025.

1.1 Petition (CWP-20376-2025) is, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 13.06.2022 (Annexure P-5) passed by the learned Additional Deputy Commissioner (Urban Development)-cum-Collector, Patiala, whereby, an eviction petition filed under Sections 4 to 7 of the Punjab Public Premises (Eviction and Rent Recovery) Act, 1973 (in short 'the 1973 Act'), by respondent No.4 (Nagar Panchayat, Bhadson) against the petitioner, in respect of Khasra Nos.413 and 414, situated at Bhadson, Tehsil Nabha, District Patiala, has been allowed.

1.2 A further prayer has been made for setting aside order dated

21.04.2025 (Annexure P-7) passed by the learned Deputy Commissioner, Patiala; whereby, an appeal filed by the petitioner against the aforesaid order dated 13.06.2022 (Annexure P-5) has been dismissed.

2. Briefly, respondent No.4 filed an eviction petition under Sections 4 to 7 of the 1973 Act against the petitioner's mother – Smt. Rajwinder Kaur, seeking her eviction from Khasra Nos.413 (9-1) and 414 (1-11), situated at Bhadson, Tehsil Nabha, District Patiala, *inter alia*, on the plea that she had raised construction over public land belonging to the Panchayat comprised in aforesaid Khasra numbers situated within the revenue estate of Bhadson.

2.1 It transpires that in the aforesaid eviction petition, Show Cause Notice was issued to petitioner's mother – Smt. Rajwinder Kaur, whereupon she appeared and submitted her reply to the aforesaid eviction petition.

2.2 The learned Collector, Patiala, ordered eviction of petitioner's mother – Smt. Rajwinder Kaur from Khasra Nos.413 (9-1) and 414 (1-11), situated at Bhadson, Tehsil Nabha, District Patiala, vide order dated 13.06.2022 (Annexure P-5). It is stated that the petitioner's mother expired on 09.01.2022, after which, the present petitioner continue to pursue the matter.

2.3 Feeling aggrieved against the aforesaid order dated 13.06.2022 (Annexure P-5), the petitioner preferred an appeal before the learned Deputy Commissioner, Patiala, which was dismissed vide order dated 21.04.2025 (Annexure P-7).

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. Learned counsel for the petitioner submits that petitioner's mother had purchased a plot measuring 0B-0B-13B through a registered Sale Deed dated 30.08.2020 and she had thereafter raised construction thereupon. It is contended that the Khasra numbers mentioned in the eviction proceedings do not correspond to the land purchased and that the demarcation relied upon by the Panchayat was incorrect. It was the petitioner's case that she had never encroached upon Panchayat land and that the authorities had acted without jurisdiction.

6. In the present case, the learned Collector, Patiala has passed eviction order 13.06.2022 (Annexure P-5), in respect of Khasra Nos.413 and 414, situated at Bhadson, Tehsil Nabha, District Patiala, by observing as under:-

“After hearing both the parties and going through the record/evidence submitted by parties it is clear from the revenue record that petitioner Nagar Panchayat is the owner of the land in question and the respondent has illegally occupied the land mentioned in the head note and whereas he has no right to occupy the land in question and the respondent is not vacating the land despite the notices served by the petitioner Nagar Panchayat and he also not paying any lease money to the Nagar Panchayat and the respondent in evidence could not rebut the pleas taken by the petitioner and moreover, respondent is also not able to submit any document vide which he can show that he is owner of the land in question and the sale deed is of no consequence because the land mentioned in the sale deed pertains to the ownership of Nagar Panchayat, I have come to the conclusion that respondent has illegally occupied the land as mentioned above. Therefore, the eviction order is passed pertaining to the property mentioned in the head note against, the respondent and he is directed to hand

over the peaceful possession of the property to the Nagar Panchayat and the Nagar Panchayat is also directed to assess the damages which is to be recovered from the respondent and thus the same be recovered under rules and act.

Order pronounced.”

7. Even the appeal filed by the petitioner before the learned Deputy Commissioner, Patiala, against the aforesaid eviction order, has also been dismissed vide order dated 21.04.2025 (Annexure P-7). Relevant extract thereof when translated into english, reads as under:-

“From the record available on file and after considering the arguments of the parties, I have come to the conclusion that this case is covered under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act. As per records available on file, land in question is the ownership of Nagar Panchayat, Bhadson. That apart, Appellant has not produced any document or evidence from which he is proved to be the owner of the land in question. Therefore, while agreeing with the submission made by respondent and also the impugned order passed by lower court, appeal filed by Appellant is rejected. File be consigned to record room after due compliance.”

8. During the course of the proceedings before this Court, an order dated 04.08.2025 was passed; the relevant extract of which is reproduced as under:-

“2. Learned counsel for the petitioner submits that the petitioner had purchased some area out of khasra No.869/408 (1-0), 1017/679/398 (0-219), 1018/679/398 (0-2), 1020/872/409 (0-15), situated at Village Bhadson, measuring 1 bigha-19 biswas-10 biswas (as per jamabandi for the year 2004-05), however, the Nagar Panchayat is wrongly claiming that the petitioner is in possession of khasra Nos. 413 and 414, whereas the petitioner is not in possession of even an inch of the said land.

3. *Learned counsel for the petitioner has filed an affidavit of the petitioner, which has already taken on record. The relevant extract of which reads as under:*

“(i) That the deponent submits that the deceased mother of the petitioner namely Rajwinder Kaur purchased the land vide sale deed Vasika No. 554 dated: 30.08.2010 (Annexure P-1), comprised in Khewat No. 102/108, Min Khatauni No. 244, Khasra No. 869/408 (1-0), 1017/679/398 (0-219) 1018/679/398 (0-2), 1020/872/409 (0-15), total 1B-19B-10B its 13/790 share plot measuring 0B-0B-13B situated at Village Bhadson, Sub Tehsil Bhadson District Patiala, Punjab.

(ii) That the respondent Nagar Panchayat Bhadson filed a petition under Section 4 to 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, seeking deponent's eviction from the land comprising in Khasra numbers 413 (9-1), 414 (1-11) situated at Bhadson, Tehsil Nabha, District Patiala.

(iii) That deponent categorically submit that deponent is not in occupation of any portion of land in Khasra numbers 413 (9-1), 414 (1-11) situated at the aforementioned location.

(iv) That the deponent respectfully pray to this Hon'ble Court to kindly direct a fresh demarcation of the disputed site so that the true and correct facts may come before this Hon'ble Court.

(v) That in the event it is found that deponent is occupying any portion of the land in Khasra Nos. 413 (9-1), 414 (1-11), then deponent undertakes to vacate the same without contest.”

4. *While referring to the aforesaid affidavit, learned counsel for the petitioner contends that let the property comprised in khasra Nos. 413 and 414 be demarcated at the spot and in*

case, the petitioner is found to be in possession of even an inch of the said land, he would remove his possession forthwith without any contest.

5. Learned State counsel and learned counsel appearing for respondent No.4 do not dispute to the aforesaid course of action being adopted.

6. Accordingly, it is directed that let the property comprised in khasra Nos. 413 and 414 as noticed above, be demarcated as per law/relevant rules and instructions, by the revenue authorities under the supervision of the concerned Sub Divisional Magistrate and the report be submitted in that regard before the next date of hearing. It goes without saying that the petitioner, Nagar Panchayat, Bhadson and all other concerned parties be associated with the demarcation proceedings.

7. List on 03.09.2025.

8. Till the next date of hearing, the execution of the orders be kept in abeyance.”

9. Pursuant to the above directions, the respondent-State filed a comprehensive status report dated 08.10.2025 annexing the fresh demarcation conducted on 19.08.2025 by the Field Kanungo, Bhadson, in the presence of all concerned officials of the Nagar Panchayat and the parties. The demarcation report records that Khasra Nos. 413, 414 and 416 stand recorded in the ownership of Nagar Panchayat, Bhadson as per the Jamabandi for the year 2019-2020. It further notes that the petitioner's ownership is confined to Khasra Nos. 869/408 (1-0), 1017/679/398 (0-219), 1018/679/398 (0-2), and 1020/872/409 (0-15). It was found on spot measurement that the petitioner's house has been constructed in Khasra No. 413, which belongs to the Nagar Panchayat, and that her ownership Khasra numbers are situated at a distance of about 60 karams from the site

of construction. The relevant extract of the aforesaid status report reads as under:-

“As per the report of Field Kanungo Bhadson, Nagar Panchayat Bhadson is recorded as owner in Khara Number 413-414-416 and ownership of petitioner is out of Khasra no. 869/408 (1-0), 1017/679/398 (0-219), 1018/679/398(0-2), 1020/872/409 (0-15). On demarcation it was found that the petitioner's house is situated in Khasra no. 413 which as per Jamabandi is under the ownership of Nagar Panchayat Bhadson and that it is situated at a distance of approximately 60 Karam from the above mentioned Khara numbers.

True Copy of the Jamabandi for the Year 2019-20 is annexed herewith as R-3/T for your kind perusal of this Hon'ble Court.”

10. Keeping in view the fact that upon demarcation, the petitioner has been found to be in unauthorized possession of the land in question, I see no compelling reason, which may warrant interference by this Court. Resultantly, the instant writ petitions fail and are, accordingly, dismissed.

11. All pending application(s), if any, shall also stand closed.

12. Photocopy of this order be placed on the file of connected case.

27.11.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No