

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

120

RSA-5927-2019 (O&M)
Date of decision : 30.01.2025

Gram Panchayat Mehar Majra

..... Appellant

versus

Ram Pal Sharma

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ishnoor Singh, Advocate and
Mr. Vikram Singh, Advocate
for the appellant.

Mr. Lekh Raj Sharma, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

CM-16913-C-2019

Allowed as prayed for.

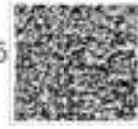
CM-16912-C-2019

This is an application for condonation of delay of 365 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 365 days in filing the appeal stands condoned.

RSA-5927-2019 (O&M)

1. Present appeal has arisen out of a suit for declaration filed
by the respondent. Plaintiff-respondent sought decree of declaration to
the effect that notice issued by the respondent-panchayat under Section
24(2) of Haryana Panchayati Raj Act, 1994 is illegal and void. Further
decree of permanent injunction was sought restraining defendant from



interfering in cultivating possession of the plaintiff over the suit land.

2. Plaintiff claimed to be in possession on the strength of a Dholi granted in his favour by the proprietors of the village. It was claimed that he is continuing in possession of the suit land as Dohlidar and thus, cannot be evicted under Section 24(2) of the Act of 1994.

3. Suit was partly decreed. Decree of permanent injunction was granted. Prayer seeking decree of declaration was declined. Trial Court held that the Civil Court has no jurisdiction to entertain the suit for declaration.

4. In appeal preferred by the plaintiff, the Appellate Court reversed the findings. Decree of declaration has been granted holding that the plaintiff approached the Court being Dholidar, and not claiming title. Thus, the relief of declaration cannot be held to be beyond the powers of jurisdiction of Civil Court cannot be held to be barred in terms of Section 13 of the Punjab Village Common Land Act.

5. Counsel for the respondent does not dispute that on the dint of enactment of Haryana Dholidar, Butimar, Dhondedar and Muqararidar (Vesting of Proprietary Rights) Act, 2010, Dohlidar is required to approach Collector. He submits that the plaintiff be granted liberty to approach appropriate forum under Dohlidar Act, 2010 and be allowed to withdraw the suit. The aforesaid prayer is not opposed by counsel representing the appellant.

6. In view of above, the present appeal is disposed off. Suit filed by plaintiff/respondent is ordered to be dismissed as withdrawn. Liberty is granted to the plaintiff to approach appropriate forum, in accordance with law.



7. Needless to observe that the benefit with respect to the time spent by the plaintiff in the instant *lis* will be available to the plaintiff as per law.

8. Ordered accordingly.

9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

30.01.2025

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Whether speaking/reasoned : Yes

Whether Reportable : No