



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

CWP-1247-2022

Date of Decision:-10.04.2026

Jaswinder Singh.

.....Petitioner.

Vs.

State of Haryana & others.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Mrigank Sharma, Advocate for the Petitioner.

Ms. Upasana Dhawan, AAG Haryana.

Mr. Sukhdeep Parmar, Advocate for
respondent nos.2 & 3/MC.

HARSH BUNGER, J.

1. The prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for setting aside notice dated 06.05.2019 (Annexure P-1) issued by the Executive Officer, Municipal Corporation Panchkula; order dated 16.12.2021 (Annexure P-16) passed by the Ld. Joint Commissioner, MC, Panchkula and also the order dated 14.01.2022 (Annexure P-14) passed by the Learned Commissioner, Municipal Corporation, Panchkula.

2. Briefly, the petitioner claims that his father purchased a furniture shop in the year 1986 from Smt. Amarjit Kaur. The said shop is stated to be situated at village Majri, District Panchkula. It is averred that in



the year 2006-2007, State of Haryana acquired land of village Majri; however, Khasra No.31 on which the shop in question was situated (adjacent to Shiv Mandir) was not acquired. It is averred that the aforesaid fact is borne out from the letter dated 22.02.2006 and letter dated 12.02.2021 (Annexure P-3).

3. The petitioner asserts that in the above referred property there was an electricity connection issued in the name of his father and after the demise of his father, the said electricity connection was issued in the name of the mother of the petitioner.

4. It is averred that in the year 2016, one complaint dated 24.11.2016 was lodged by one Sh. Amit Kumar resident of village Majri alleging encroachment upon the land of HUDA i.e. Haryana Urban Development Authority (between the government college and National Highway 22, near Shiv Mandir). It is stated that the said complaint was enquired into and then closed vide letter dated 25.05.2017 (Annexure P-5); wherein it was observed that there is no ownership of HUDA or MC, Panchkula as per the revenue record.

5. It is further averred that subsequently another complaint dated 24.04.2016 was moved by one Puran Chand of village Majri through CM Window, alleging encroachment over the government property by the present petitioner. Consequently, the matter was again enquired into and after carrying out demarcation at the site, it was observed by the then Tehsildar, Panchkula in its report dated 08.03.2017 (Annexure P-6) that petitioner is in possession of Khasra No.31 and the ownership of property is of *Jumla Mushtarka Malkaan*.

6. It transpires that in the year 2013 the petitioner filed a suit



before the Civil Court, Panchkula seeking injunction against HUDA and its officials, for restraining them from interfering in the peaceful possession of the petitioner. The said suit is stated to have been decreed vide judgment and decree dated 07.01.2015 (Annexure P-13), whereby the defendants in the suit were restrained from dispossessing the petitioner from his shop; except in due course of law.

7. Thereafter a show cause notice dated 06.05.2019 (Annexure P-1) was issued, calling upon the petitioner to produce ownership documents of the land on which the shops have been constructed. The petitioner is stated to have responded to the aforesaid show cause notice by submitting his reply dated 06.05.2019 (Annexure P-7).

8. It transpires that the petitioner again filed another civil suit (Annexure P-8) which is stated to have been subsequently withdrawn by suffering a statement that the petitioner wants to file a petition before this High Court. Accordingly, the suit was ordered to be dismissed as withdrawn vide order dated 15.11.2021 (Annexure P-12).

9. Thereafter the petitioner filed a Writ Petition (CWP No.24212 of 2021) before this Court, which was withdrawn vide order dated 30.11.2021 (Annexure P-17), the relevant extract of which reads as under:-

“ 1. The learned Counsel representing the petitioner, after realizing that no order adverse to the petitioner has yet been passed, prays for permission to withdraw the writ petition.

2. Ordered accordingly. ”

10. Thereafter the petitioner was served with a demolition order dated 16.12.2021 (Annexure P-16) and aggrieved therefrom the petitioner preferred an appeal before the learned Commissioner, Municipal



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Corporation, Panchkula, which was dismissed vide order dated 14.01.2022 (Annexure P-14).

11. In the aforementioned circumstances, the present writ petition has been filed before this Court for seeking relief, as noticed hereinabove.

12. Heard.

13. In the present case, the petitioner claims to be in possession of a shop forming part of Khasra No.31. It transpires that earlier the petitioner had filed a civil suit for injunction against HUDA and its officials which was decreed vide judgment dated 07.01.2015 (Annexure P-13) by observing that the defendants in the suit are restrained from dispossessing the petitioner from its shop, except in due course of law.

14. Thereafter a show cause notice dated 06.05.2019 (Annexure P-1) came to be issued to the petitioner under Section 408-A of the Haryana Municipal Corporation Act, 1994 (in short, 1994 Act), calling upon the petitioner to produce his title documents in respect of the shop in question; however, no such evidence was shown by the petitioner. The learned Joint Commissioner, Municipal Corporation, Panchkula passed an order dated 16.12.2021 (Annexure P-16) under Section 408-A (2) of 1994 Act, directing petitioner to remove his illegal construction.

15. Feeling aggrieved against the aforesaid order dated 16.12.2021 (Annexure P-16), the petitioner preferred an appeal before the Learned Commissioner, Municipal Corporation, Panchkula, which has been dismissed vide order dated 14.01.2022 (Annexure P-14). The relevant extract thereof reads as under:-

“ After listening of the contentions of both the parties and after going through the evidence and records vice versa. I have reached at the conclusion that the



appeal of the appellant is neither maintainable nor sustainable in eyes of law as there is no iota of truth in the appeal in any manner and same is dismissed while observing the facts that Khasra no. 31 was not acquired by the HSVP earlier HUDA in 1973 vide award no. 13 due to existence of Shiv Mandir in 4 Marlas in Khasra No. 31 at Majri Chowk, Panchkula and rest of the land was lying vacant for the common purpose of the villagers as "Jumla Mustarka Malkan" which relate to Gram Panchayat now at Municipal Corporation, Panchkula. No one have right to encroach upon the Government land while constructing the shop in question. As per report of local commissioner namely Sh. Padam Singh, Advocate who is duly appointed by the Hon'ble Civil Court Panchkula vide which he mentioned that Plaintiff ie. Desraj father of the appellant is not in the possession of the suit land. It is clearly shows that thereafter Jaswinder Singh had encroached thereafter while trespassing on the Government land while constructing a wooden shop. It is also pertinent to mention here that Devraj brother of the Plaintiff Desraj had tendered an affidavit Ex. Dy in CS-282 of 2005 that Amarjeet kaur never executed any sale agreement in favour of father of Jaswinder Singh or his brother.

It is also observed that the appellant is habitual litigant as he had filed numerous false and frivolous litigations against the department only to grab the Government land in question while constructing the unauthorized shop. The demarcation report Annexure A-4, A-5 itself does not create any title or interest in the property in question and it is not valid proof in any manner regarding the legal possession with the appellant in eyes of law. The criminal action is going to be taken against wrong doer officer who had prepared this demarcation report in collusion with the appellant on the



basis of letter No. 13100/DDA Dated 19.10.2021 which was written by this office.

The Hon'ble Supreme Court of India had directed to all the Chief Secretary of all the State and UT in India to ensure strict and prompt compliance regarding the unauthorized possession over the government land who had occupied the land collusion with the official of the concerned department in SLP titled as "**Jagpal Singh and Ors vs. State of Punjab and Others**", the operative part of the Judgment is reproduced as under-

"all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/ Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession."

Moreover, the appellant had claimed the relief under Section 267 and 267-A of Haryana Municipal Corporation Act, 1994. After perusal of the case of the applicant these sections are not attracted at all in favour of appellant. The unauthorized construction could not be regularized in any manner or in any way in the absence of the documentary proofs regarding possession or ownership.



Nowhere, the appellant has given any proof that this land belongs to him. The appellant did not prove his legal possession over the suit land in question in which capacity he had constructed the shop in question on the land on Khasra No. 31 showing as Jumla Mustraka Malkaan in ownership column of village Majri, Tehsil and District Panchkula.

As a sequel to the above discussion, the appeal in hand is found to be bereft of all merits and same stands dismissed without cost and the concerned officials of this office is hereby directed to remove the unauthorized Construction in light of the judgment of the Hon'ble Supreme Court.

Order accordingly. "

16. A perusal of the above extracted observations made by the learned Commissioner, Municipal Corporation, Panchkula would show that the shop in question is a part of Khasra No.31 which is stated to be the ownership of *Jumla Mushtarka Malkaan*. It is not disputed before this Court that in the State of Haryana, the land recorded as ownership of Jumla Mushtarka Malkaan [i.e. reserved for common purposes of the village under Section 18 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948] is included in the definition of "*Shamlat Deh*" in terms of sub section 6 of Section 2(g) of the Haryana Village Common Lands (Regulation) Act, 1961.

16.1. Before this court, learned Counsel for the petitioner has been unable to show from any material/evidence that the petitioner and/or his predecessor in interest was a proprietor of village Majri, where the property in question is situated. It has also not been shown that any *pro rata* cut was imposed upon the land of the petitioner and or his predecessor in interest; so



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as to claim some right over the land in question. There is also nothing on record to shown that the land comprised in Khasra No.31 was not reserved for any common purpose of the village.

16.2. In my considered view, in case the petitioner was claiming any right in the land which is recorded as the ownership of “*Jumla Mushtarka Malkaan*”, in that eventuality the petitioner should have filed a title suit in terms of Section 13A of the Haryana Village Common Lands (Regulation) Act, 1961 and the rules framed thereunder. However, no such recourse has been shown to be adopted by the petitioner and or his predecessor in interest.

17. Keeping in view the above observations, I see no compiling reason which may warrant interference. Resultantly the instant petition fails and the same is accordingly dismissed.

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

(HARSH BUNGER)
JUDGE

April 10, 2026

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>