



RSA No.1368 of 1993 (O&M) -1-

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

RSA-1368-1993 (O&M)
Date of decision: 08.04.2026

Tek Ram @ Teka (deceased) through his LRs

...Appellants

Versus

Gram Panachayat, Mirchpur

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Surinder Singh Duhan, Advocate
 for the appellant.

Mr.Sunil Goswami, Advocate
for respondent no.1.

VIKAS BAHL, J. (ORAL)

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CHALLENGE IN THE PRESENT APPEAL

1. The plaintiff (now being represented by his legal representative(s)) is in Regular Second Appeal which has been filed under Section 41 of the Punjab Courts Act, 1918. Challenge in the present appeal is to the judgment and decree dated 03.06.1993 passed by the 1st Appellate Court vide which the appeal filed by the respondent-gram

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panchayat/defendants, was allowed and the suit of the plaintiff/present appellant was dismissed and the judgment of the trial Court dated 17.03.1990 was set aside.

2. It would be relevant to note that earlier vide order dated 17.11.1993 the appeal filed by the appellant was dismissed by the Co-ordinate Bench of this Court by passing the following order: -

“Present Mr.C.B. Goel Advocate.

No merit.

Dismissed.

17.11.1993”

3. The plaintiff had challenged the said order before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 27.11.2002 had set aside the said order and had remitted the matter to the High Court to consider as to whether any substantial question or question of law arises for consideration and then to dispose of the second appeal in accordance with law. On 08.12.2003, the Co-ordinate Bench of this Court had admitted the appeal and the same has now been taken up for final adjudication.

ARGUMENTS ON BEHALF OF THE APPELLANT

4. Learned counsel for the appellant-plaintiff has argued that the plaintiff had filed the suit for declaration to the effect that the order dated 09.02.1988 passed by the Assistant Collector Ist Grade, Hansi, on an application under Section 7(1) of the Punjab Village Common Lands (Regulation) Act, 1961, (The word “Punjab” has been substituted by the word “Haryana” by Act no.15 of 2021 which has been deemed to have been substituted w.e.f. 01.11.1966 and is hereinafter referred to be as “1961 Act”) with respect to the land measuring 24 kanal 4 marlas bearing khasra nos.



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206/14/2/(4-0)18(4-8), 25(7-7), 235/5(8-0) situated at village Mirchpur, Tehsil Hansi, District Hisar, is illegal. It is argued that in the reply to the application under Section 7 of the 1961 Act, the plaintiff/appellant had raised several objections which shows that a question of title was involved in the present case. Learned counsel for the appellant has referred to the reply dated 16.08.1983 (Ex.P2) filed to the said application under Section 7 of the 1961 Act and has stated that in the said reply it was stated that the present appellant was in continuous possession of the suit property through his forefathers for about two hundred years and it was further his case that the said possession was not illegal and that the mutation entries in favour of Gram Panchayat were illegal and against law and could not take away the right of the appellant-plaintiff.

5. It is argued that since a question of title had been raised, thus, as per the provisions of Section 7 of the 1961 Act, it was incumbent upon the Assistant Collector, to decide as to whether the question of title had arisen or not and if it had arisen then to decide the said question of title before ordering the eviction of the present appellant from the premises in question. It is submitted that once certain points have been raised in the reply to the application under Section 7 of the 1961 Act, then, it was incumbent upon the competent authority under the 1961 Act to have at least considered as to whether a question of title is prima facie involved or not, on the basis of the documents relied upon by the plaintiff. It is submitted that a perusal of Ex.P8 which is the khasra girdawari for the period from 1986 to 1987 and also Ex.P8/1 which is khasra girdawari for the year 1981-82 would show that it is the plaintiff who is in possession of the suit property and thus, the

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said document fortifies the stand raised by the plaintiff in reply Ex.P2. It is submitted that the finding of the Ist Appellate Court, to the effect that no question of title arises in the present case is illegal and against law and deserves to be set aside. It is thus submitted that in the said circumstances, the following substantial questions of law arises for consideration before this Court: -

- (i) Whether it is obligatory for the competent authority under the 1961 Act to consider the pleas raised by the plaintiff/appellant in the reply filed to the application under Section 7 of 1961 Act to see as to whether prima facie question of title arises on the basis of documents produced by the plaintiff and in the absence of the same having been done whether the order under Section 7 of the 1961 Act is sustainable?
- (ii) Whether the judgment of the 1st Appellate Court holding that no question of title prima facie arises, is illegal and against law?

ARGUMENTS ON BEHALF OF THE RESPONDENT

6. Learned counsel for the respondent-Gram Panchayat, on the other hand, has argued that even as per the documents relied upon by the plaintiff i.e. Ex.P8 and Ex.P8/1, in the ownership column the entry is “Gram Panchayat deh”. It is further submitted that no suit has been filed by the plaintiff challenging the ownership entries in favour of the gram panchayat prior to the passing of the order of eviction. It is further submitted that even no declaration under Section 13(A) of the 1961 Act has been sought by the plaintiff. It is argued that since in the revenue record the entry regarding



ownership is in favour of the gram panchayat and there is presumption in favour of the revenue record, it is not open to the plaintiff as a respondent in the proceedings under Section 7 of the 1961 Act to question the title of the gram panchayat and it was incumbent upon him to have instituted a suit either to challenge the said entries or to seek adjudication under Section 13-A of the 1961 Act. It is further submitted that even, in case, the pleas taken in the reply dated 16.08.1983 of the plaintiff are considered, the same would not even remotely raise a question of title.

7. It is stated that the 1st Appellate Court has rightly considered all the said aspects and found that there was no question of title involved in the present case. It is further stated that a perusal of the Ex.P3, which is an order passed in the proceedings under Section 7 of the 1961 Act, would also show that it was specifically observed by the Assistant Collector, 1st Grade, Hansi that no question of title arose in the present case. It is thus submitted that the order had been rightly passed under Section 7 of the 1961 Act and the same has been rightly upheld by the 1st Appellate Court and the present appeal is meritless and deserves to be dismissed. It is submitted that PW1-plaintiff in his cross-examination before the Civil Court has set up a case that he has taken the premises from one Amar Singh upon payment and has stated that he has been cultivating the land for the last 25-26 years and thus, the plea raised in the reply dated 16.08.1983 to the effect that the possession has been with him and his forefathers for the last 200 years, is completely false.

ANALYSIS AND FINDINGS

8. This Court has heard learned counsel for the appellant and also learned counsel for respondent No.1-gram panchayat and has also perused



the record of the trial Court and is of the opinion that the judgment of the 1st Appellate Court dated 03.06.1993 is in accordance with law and deserves to be upheld and the present appeal, being meritless, deserves to be dismissed, for the reasons which have been detailed hereinafter.

9. The plaintiff/present appellant-Tek Ram alias Teka son of Matu Ram @ Chiru had filed a suit for declaration against the defendant-Gram Panchayat, Mirchpur, Tehsil Hansi, to the effect that the order passed by the Assistant Collector, 1st Grade, Hansi, dated 09.02.1988 in an application filed under Section 7(1) of the 1961 Act is illegal, against law and without jurisdiction. A further prayer for injunction for restraining the defendant from dispossessing the plaintiff from the suit land measuring 24 kanal 4 marlas bearing khasra nos.206/14/2 (4-0) 18(4-8), 25(7-7), 235/5 (8-0) in pursuance of the order dated 09.02.1988 was made. It was the case of the plaintiff in the plaint that the plaintiff was in possession of the suit property since long and an application had been filed by the gram panchayat under Section 7 of the 1961 Act and in the said proceedings, by virtue of the reply to the said application several points were raised which prima facie raised a question of title but the Assistant Collector, 1st Grade, Hansi vide order dated 09.02.1988 without considering as to whether prima facie a question of title arises or not has passed the order of ejectment of the plaintiff. It was further his case that the said order was illegal and against law and deserves to be set aside and the eviction could not have been ordered in a summary manner.



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10. The defendant-Gram Panchayat had raised several preliminary objections and had also opposed the suit on merits. It was stated that the Civil Court had no jurisdiction to entertain the present suit and the petitioner had no *locus standi* to file the suit and the suit was also bad for non-issuance of notice and deserves to be dismissed with cost. It was further their case that the impugned order passed by the Assistant Collector 1st Grade was legal and in accordance with law and deserved to be upheld. The trial Court vide judgment and decree dated 17.03.1990 had decreed the suit of the plaintiff. On appeal filed by the Gram Panchayat, the 1st Appellate Court vide judgment and decree dated 03.06.1993 had allowed the appeal and had dismissed the suit of the plaintiff.

11. The first question of law which has been raised by the counsel for the appellant reads as under:

Whether it is obligatory for the competent authority under the '1961 Act' to consider the pleas raised by the plaintiff/appellant in the reply filed to the application under Section 7 of the 1961 Act to see as to whether *prima facie* question of title arises on the basis of documents produced by the plaintiff and in the absence of the same having been done whether the order under Section 7 of the 1961 Act is sustainable?

12. Counsel for the appellant has relied upon Section 7 (1) of the 1961 Act in support of the said argument. Section 7 of the 1961 Act is reproduced hereinbelow:

“7. Power to put Panchayat in possession of certain lands.--(1) An

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*Assistant Collector of the first grade having jurisdiction in the village may, either suo moto or on an application made to him by a Panchayat or an inhabitant of the village or the Block Development and Panchayat Officer or Social Education and Panchayat Officer, or any other Officer authorised by the Block Development and Panchayat Officer, **after making such summary enquiry as** he may deem fit and in accordance with such procedure as may be prescribed, eject any person who is in wrongful or unauthorised possession of the land or other immovable property in the shamilat deh of that village which vests or is deemed to have been vested in the panchayat under this Act and put the panchayat in possession thereof and for so doing the Assistant Collector of the first grade may exercise the powers of a revenue court in relation to the execution of a decree for possession of land under the Haryana Tenancy Act, 1887:*

*Provided that if in any such proceedings **the question of title is raised and proved prima facie on the basis of documents that the question of title is really involved, the Assistant Collector of the first grade shall record a finding to that effect and first decide the question of title in the manner laid down hereinafter.***

(2) The Assistant Collector of the first grade shall by an order, in writing, require any person to pay a penalty, in respect of the land or other immovable property which was or has been in his wrongful or unauthorised possession, [at the rate of one percent of the Collector rate of the land per acre per annum with the ceiling of total penalty amount equal to ten percent of the current Collector rate of the encroached land], having regard to the benefit which could be derived from the land or other immovable property. If the penalty is not paid within the period of thirty days from the date of the order, the same shall be recoverable as arrears of land revenue.

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(3) The procedure for deciding the question of title under proviso to sub-section (1) shall be the same as laid down in the Code of Civil Procedure, 1908.

(4) If any person refuses or fails to comply with the order of eviction passed under sub-section (1), within ten days of the date of such order, the Assistant Collector of the first grade may use such force, including police force, as may be necessary for putting the panchayat in possession.

(5) Any person who is found in wrongful or unauthorised possession of the land or other immovable property in shamilat deh and is ordered to be ejected under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years.”

13. Much emphasis has been made on behalf of the appellant on the proviso to Section 7 (1) of the 1961 Act. A perusal of Section 7 (1) and the proviso would show that the Assistant Collector 1st Grade either *suo moto* or on an application made to him by the Panchayat or an inhabitant of the village etc. after making a summary inquiry, as he may deem fit, can order the ejectment of any person who is in wrongful possession of the land or other immovable property in the *shamlat deh* of that village which vests or is deemed to have been vested in the Panchayat under the 1961 Act and can put the Panchayat in possession thereof. Under the proviso to Section 7(1) of the 1961 Act if in such proceedings, any question of title is raised and the same is proved *prima facie* on the basis of the documents that the question of title is really involved, then, in the said circumstances, the Assistant Collector 1st Grade is required to record a finding to that effect and then, first decide the question of title in the manner laid down thereafter.



14. The First Appellate Court has rightly observed that as per the said proviso, the Assistant Collector 1st Grade is not bound to stay the proceedings under Section 7 of the 1961 Act in every case where the respondent has taken the plea of title and it is only in case the said plea *prime facie*, on the basis of the documents, raises a question of title, the Assistant Collector is obliged to record finding to that effect and then first decide the question of title. The necessary implication of the said provision is that, in case, frivolous objections or objections which do not *prima facie* prove that a question of title is really involved, then in such a situation, the Assistant Collector 1st Grade is not required to stay the proceedings.

15. In the present case, a perusal of the order dated 09.02.1988 passed by the Assistant Collector 1st Grade would clearly show that every possible aspect has been considered by the Assistant Collector 1st Grade and it has specifically been observed that he does not agree with the plea of the counsel for the respondent therein that question of title arises, as in accordance with the revenue record, the disputed land is *shamlat* of the village and no old record has been produced by the appellant herein which would show that he has been in possession of the disputed land since many years so as to be granted protection under the Act and in fact, it is one Teka son of Mayyia and not the present appellant who is the son of Matu Ram alias Chiru to whom the land was earlier leased out. It was observed that the present appellant was in illegal and unlawful possession of the disputed land and had caused financial loss to the Gram Panchayat. In coming to the said conclusion, the authority had duly considered the *jamabandi* for the year



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1979-80 which has been duly exhibited as Ex.P2 and P3 therein and also the other documents, including the lease deeds (*pattanama*) and had also taken into consideration the evidence of the witnesses. The pleas raised by the present appellant, respondent therein to the effect that he and his forefathers have been in possession of the premises for the last 200 years and that he was the non-occupancy tenant were all considered and were rejected by passing a detailed speaking order. The true translation of the said order which has been exhibited as P-3 and has been translated by the Translation Branch of this Court is reproduced hereinbelow:

“In the Court of Shri J.S. Yadav, H.C.S., Assistant Collector 1st Class, Hansi.

*Gram Panchayat Mirchpur, Tehsil Hansi, through Sarpanch,
Gram Panchayat Mirchpur, Tehsil Hansi, District
Hisar....Plaintiff*

Versus

*Tek Ram alias Teka, son of Maatu alias Charu, by Caste Jat,
resident of Mirchpur, Tehsil Hansi, District
Hisar....Defendant/Respondent*

XXXX XXXX XXXX

*Furthermore, out of the disputed land, Khasra numbers 20 6 14
12(4-9), 18(4-8) were previously being given to Teka son of
Maiya on annual open auction. However, the defendant has
now taken unauthorized and illegal possession of these specific
Khasra numbers. Therefore, it is prayed that the defendant be
evicted from the disputed land measuring 24 Kanal 4 Marla
situated in Village Mirchpur, and the possession be handed over
to the Gram Panchayat (Plaintiff), and a penalty be also
imposed upon the Defendant.”*

XXXX XXXX XXXX



“The learned counsel for the plaintiff, in his arguments, drawing my attention to the copy of the Jamabandi Exhibit P-2 and Exhibit P-3 for the year 1979-80, and Exhibit P-4 Khasra Girdawari for the year 1981-82, and Exhibit P-5 copy of Khasra Girdawari for the year 1980 to 1982-83, and Exhibit P-1 and Exhibit P-2 copy of the resolution passed by Gram Panchayat Mirchpur, and copies of the lease deeds (Pattanama) of Gram Panchayat Mirchpur Mark A and Mark E; and additionally, the testimonies in evidence of PW-1 Shri Uday Singh son of Jawahara, village Mirchpur, PW-2 Shri Ram Chandra, Gram Sachiv, Gram Panchayat Mirchpur, and PW-3 Shri Khajan Chand, Gram Sachiv, Mirchpur, emphasized that the suit land has vested in the Gram Panchayat and is Shamilat Deh (village common land), the owner of which is Gram Panchayat Mirchpur.” on which Tekram s/o Matu has taken illegal possession and after dispossessing him the possession be given to Gram Panchayat Mirchpur.”

XXXX XXXX XXXX

“5. After listening to facts of Ld. Counsels of both the parties and perusal of revenue records, I have come to the conclusion that respondent has not shown any old revenue record regarding the disputed land which can clarify the fact that he is in possession of the disputed land since many years. Respondent cannot be granted the protection of section 4 (2) (A) only on the basis of oral testimony. There is no such entry in the rent column of revenue record by which respondent can be proved tenant. On the contrary, Teka s/o Maaiya is proven as lessee which establish that this land is being leased out to Teka s/o Maaiya and respondent has illegally occupied it. I do not agree with the plea of Ld. Counsel of respondent that question of title arises in this case because as per revenue records, the disputed land is Shaamlat of village. Before the filing of application, the disputed land was leased out to Teka s/o Maaiya. Regarding



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ownership and possession of the disputed land, no question of title arises because according to ownership column disputed land is Shamlat land and as per entries of the jamabandi, Teka s/o Maiyya, resident of village Mirchpur stands entered as leaseholder.

Considering all circumstances, defendant has taken illegal and unlawful possession on disputed land and has done cultivation. Due to this Gram Panchayat Mirchpur has also suffered financial loss. Therefore, it is ordered that the defendant be immediately evicted from the disputed land and possession get delivered to the Gram Panchayat Mirchpur and penalty @ 2500 Rs. per hectare with effect from ६-६३ that is sum of Rs. २५७५० is imposed. Apart from this, it is ordered that the possession of the disputed land be handed over to the Gram Panchayat within a month by the defendant, otherwise the possession will be vacated with the help of the Police.

Today this order was pronounced in an open assembly on ६-२-२६

*Assistant Collector First Class,
Hansi.*

A copy be sent to the Block and Panchayat Officer, Narnaund for immediate necessary action and Gram Panchayat Mirchpur for getting delivered possession and the penalty amount as per rules.

*Assistant Collector First Class,
Hansi.”*

16. In the abovesaid case, it was the argument of the appellant herein that the entries regarding ownership in the revenue record have been incorrectly recorded. Thus, as per the own case of the present appellant, the entries in the revenue record regarding ownership are against the plaintiff and not in his favour. Since the authority had affirmatively observed that no



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question of title arises in the present case and that the land was *shamlat* land, thus the very basis of formulating the first question of law is misplaced. It was the case of the appellant that his plea should have been considered and the competent authority should have, after considering the same, considered the aspect that as to whether the question of title arises in the present case or not, which as per him was not done, whereas a perusal of order Ex.P-3 shows that the said aspect has been considered by the authority and it has specifically been opined that the question of title does not arise in the present case. Moreover even the reasons given in the said order are valid. In such a situation, it cannot even remotely be said that the competent authority had violated the proviso to Section 7(1) of the 1961 Act and rather the order passed by the competent authority was in consonance with proviso to Section 7 of the Act.

17. The competent authority, even on merits, had given an affirmative finding to the effect that the old revenue record had not been produced to clarify that the present appellant or his forefathers were in possession of the disputed land since many years, much less 200 years, as claimed by him. It was also specifically observed that earlier lessee was Teka son of Maayia and not the present appellant and it is only subsequently that the present appellant had illegally occupied the land which was *shamlat deh*. Before this Court also, only the *khasra girdawaris* from the period 1981-82 has been referred to and even as per the said documents, the ownership column is against the plaintiff and no document prior to the said *khasra girdawaris* has been shown or referred to show that the possession of the appellant or his predecessors was for the last 200 years or was even continuing for several



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years.

18. A reading of the 1961 Act would clearly show that under Section 7, the Gram Panchayat or the other persons, which have been detailed, have a right to file an application for seeking possession and in the said situation, a summary inquiry is required to be carried out unless a question of title is raised and *prima facie* proved on the basis of documents. In the present case, it is apparent from the order dated 09.02.1988 that due opportunity to lead evidence had been given and it is after considering all the aspects that a detailed order has been passed. Section 13 of the 1961 Act provides that no Civil Court shall have jurisdiction to entertain or adjudicate upon any question which the officer/authority is empowered under the 1961 Act to determine. The bar as contained under Section 13 of the 1961 Act is reproduced hereinbelow:

“[13. Bar of Jurisdiction.- No civil court shall have jurisdiction--

(a) to entertain or adjudicate upon any question whether-

(i) any land or other immovable property is or is not shamilat deh;

(ii) any land or other immovable property or any right, title or interest in such land or other immovable property vests or does not vest in a Panchayat under this Act;

(b) in respect of any matter which any revenue court, officer or authority is empowered by or under this Act to determine; or

(c) to question the legality of any action taken or matter decided by any revenue court, officer or authority empowered to do so under this Act.]

19. Section 13A which is also relevant for consideration is

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reproduced hereinbelow:

13-A. Adjudication. (1) Any person or in the case of Panchayat, either the Panchayat or its Gram Sachiv, the concerned Block Development and Panchayat Officer, Social Education and Panchayat Officer or any other officer duly authorised by the State Government in this behalf, claiming right, title or interest in any land or other immovable property vested or deemed to have been vested in the Panchayat under this Act, may file a suit for adjudication, whether such land or other immovable property is shamilat deh or not and whether any land or other immovable property or any right, title or interest therein vests or does not vest in a Panchayat under this Act, in the Court of the Collector, having jurisdiction in the area wherein such land or other immovable property is situated:

Provided that no suit shall lie under this section in respect of the land or other immovable property which is or has been the subject matter of the proceedings under section 7 of this Act under which the question of title has been raised and decided or under adjudication.

(2) The procedure for deciding the suits under subsection(1) shall be the same as laid down in the Code of Civil Procedure, 1908 (5 of 1908).

20. Section 45 of the Punjab Land Revenue Act as applicable to the State of Haryana which is also relevant for consideration is reproduced hereinbelow:

“45. Suit for declaratory decree by persons, aggrieved by an entry in a record:- If any person considers himself aggrieved as to any right of which he is in the possession by an entry in a record-of-rights or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877.”



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21. In the present case, it is not in dispute that the ownership entries in the *jamabandi* are not in favour of the plaintiff and it is his case that the said entries are not correct. It is a matter of settled law that any person who is aggrieved by an entry in the records of rights or in annual record, which includes a *jamabandi* then he is required to file a suit for declaration under Section 45 of the Punjab Land Revenue Act, 1887 as applicable to the State of Haryana, which has admittedly not been done in the present case. On the basis of the revenue record, once the entries are in favour of the respondent, it was open for the respondent to have filed application under Section 7 of the 1961 Act and since no question of title was *prima facie* proved to have arisen in the said proceedings, the order of the Assistant Collector has rightly been passed under Section 7 of the 1961 Act. It would be relevant to note that under Section 13A of the 1961 Act in case any person is aggrieved or is claiming any right, title or interest in any land or other immovable property, vested or deemed to have been vested in the Panchayat under the said Act, he has a right to file a suit for declaration for adjudication as to whether such land or other immovable property is *shamlat deh* or not. Admittedly, no such suit has been filed by the appellant under Section 13A of the 1961 Act also. In the said circumstances, the first argument raised on behalf of the appellant to challenge the judgment of the First Appellate Court is meritless and the question of law, as framed, is answered against the appellant and in favour of the respondent.

22. The second question of law which is raised is reproduced hereinbelow:

Whether the judgment of the First Appellate Court holding that



no question of law prima facie arises, is illegal and against law?

23. A perusal of the judgment of the First Appellate Court would show that it was specifically observed by the 1st Appellate Court that no question of title in favour of the plaintiff arose in the present case. For the said purpose, the 1st Appellate Court had taken into consideration the evidence of the plaintiff Tek Ram PW-1, who in his cross-examination, had stated that he was cultivating the land for the last 25-26 years and thus, had belied his plea taken before the authority as well as in the plaint that he and his forefathers have been in possession of the land for the last 200 years. It was further observed that the said PW-1 had admitted that earlier the land was being cultivated by Amar Singh, a Jheemar by caste and the said Amar Singh had got the said land for cultivation in lieu of the services to the village and the appellant had got the land from the said Amar Singh on payment of money but he could not specify as to what he had paid to Amar Singh for getting the land and had further admitted that he had no registered sale deed/ transfer deed in his favour and thus his other pleas taken with respect to occupancy tenant etc. were also found to be baseless. It was also observed that although the said PW1 has stated that writing of the transfer has been made in the Bahi but he had not produced the said bahi and thus, the pleas raised by the plaintiff were found to be unsubstantiated and self-contradictory.

24. This Court has considered the evidence on record. The observations made by the 1st Appellate Court are in consonance with the said evidence. Relevant portion of the true translation of statement in cross-examination of PW1-Tek Ram, which has been translated by the Translation



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Branch of this Court, is reproduced hereinbelow:-

“XXXXX

When case was pending with A.C. First Class, I submitted my evidences there but he did not consider the evidences. I submitted copy of Girdawri, Girdawri was in my name. The ownership in favour of the Gram Panchayat was illegal, because we have been cultivating this land from the beginning. No suit was filed to get the said mutation corrected. I do not recall offhand since how long this mutation has been recorded incorrectly. This land is Nehri. The Varabandi (turn of water) of disputed land used to be pronounced in our name. No copy of the recovery proceedings of AC First Class was produced. I have been cultivating the land since 25-26. Earlier Amar Singh Jheemar used to cultivate. This land was given to the Jheemar by the village for cultivation in lieu of services. I have taken that land from Jheemar after paying him. I do not recall offhand in how much this land was purchased. No registry was got executed for this. It was got scribed in Bahi. It is wrong to suggest that I have deposed falsely.

RO & AC

sd/-

(sd/- in Urdu)

SJIC, Hansi

16-12-1988”

A perusal of the said evidence would show that it has been admitted by the plaintiff that ownership was shown to be in favour of Gram Panchayat and that he had not filed any suit to get the said entries corrected and has further stated that he had got the land from Amar Singh Jheemar who had got the land in lieu of his services and he did not recall as to for what amount the land was purchased and further admitted that there was no registry got executed by him and the finding of the First Appellate Court that even the bahi has not been produced has not been rebutted before this Court.



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Thus, the finding of the 1st Appellate Court is based on correct appreciation of the evidence on record. Reliance sought to be placed upon Ex.P8/1 which is khasra girdawri for the period from 1981 to 1982 and also on Ex.P8 which is khasra girdawri for the period from 1986 to 1987 also does not in any manner further the case of the plaintiff inasmuch as neither it is shown that plaintiff is in possession for the last 200 years nor it is shown that merely because the plaintiff is in possession of the land which is vested in the Gram Panchayat for a few years, the plaintiff would have any right to continue his possession, which apparently, is unauthorized and has also been held to be unauthorized by the competent authority under the 1961 Act. In fact, in the said documents also, in the ownership column, the entry of Gram Panchayat deh is there. Thus, there is no legal basis for the plaintiff to continue to be in possession and the judgment of the First Appellate Court is in accordance with law and deserves to be upheld. The second question of law which has been formulated on behalf of the appellant is answered against the appellant and in favour of the respondent.

25. Keeping in view the abovesaid facts and circumstances, the judgment of the First Appellate Court is upheld and present appeal, being meritless, deserves to be dismissed and is accordingly dismissed.

26. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

April 8th, 2026

Davinder/naresh.K/Puneet/Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes