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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2462-2019 (O&M)

Date of Decision : 05.03.2026

Gram Panchayat, Village Chirao

... Petitioner

Versus

Mohinder Singh and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Govind Chauhan, Advocate for
Mr. Sumit Narwal, Advocate for LR's of respondent No.1.

Mr. Rajesh Gupta, Advocate for respondent Nos.2 to 5.

None for respondent Nos.6 to 8.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed by defendant No.4 – Gram Panchayat, Village Chirao – challenging order dated 13.02.2019 rejecting application filed by defendant No.4-petitioner herein under Order VII Rule 11 of the Code of Civil Procedure, 1908.

2. The brief facts relevant to the present *lis* are that plaintiff-respondent Nos.1 to 5 filed a suit for declaration that mutation No.397 entered on 17.06.1986 and sanction order dated 25.06.1986 and subsequent entries in Jamabandi qua the suit property are illegal, null and void and not binding on the rights of the plaintiff-respondent Nos.1 to 5. It was further the case set up that the predecessor-in-interest of the plaintiff-respondent Nos.1 to 5 were proprietors of Village Chirao and had contributed land on the basis of pro rata

cut on the holding imposed during the consolidation proceedings which were carried out in the village in the year 1963-64. It was further the case set up that they were in possession of some land which had not been earmarked for any common purpose in the consolidation scheme prepared under Section 14 read with Rules 5 and 7 of the Haryana Village Common Lands (Regulation) Act, 1961 and was entered in the column of ownership as *Jumla Malkan Wa Digar Haqdarani Arazi Hasab Rasad Raqba*. The prayer in the plaint is only for declaring the mutation entry as illegal, null and void. An application was filed under Order VII Rule 11 CPC for rejection of the plaint on the ground that the suit was barred under Section 13 of the Haryana Village Common Lands (Regulation) Act, 1961. Reply was filed to the said application. Vide the impugned order dated 13.02.2019 the application was dismissed. Hence, the present revision petition.

3. Learned counsel for the defendant No.4-petitioner would contend that since the dispute was between an individual and the Gram Panchayat, the jurisdiction of the Civil Court was barred under Section 13 of the Haryana Village Common Lands (Regulation) Act, 1961.

4. *Per contra* learned counsel for the respondents would contend that the plaintiff-respondent Nos.1 to 5 have not sought any declaration qua ownership nor the question whether the land is Shamlat or otherwise has been raised in the plaint and therefore the suit would be maintainable under Section 45 of the Punjab Land Revenue Act, 1887 since only the entry in the record of rights is being challenged.

5. Heard.

6. In the present case, the only prayer in the plaint is that mutation No.397 dated 25.06.1986 is illegal, null and void. There is no other relief

which has been sought. Section 45 of the Punjab Land Revenue Act, 1887 reads as under :

“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 records-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.”

7. Section 13 of the Haryana Village Common Lands (Regulation) Act, 1961 reads as under :

“13. No civil court shall have jurisdiction -

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

(i) any land or other immovable property is or not shamlat 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.”

8. The only prayer in the plaint is that mutation entry is illegal, null and void. Learned counsel for the defendant No.4-petitioner has not been able to show as to how the said relief which has been claimed in the plaint is covered under Section 13 of the Haryana Village Common Lads (Regulation)

Act, 1961. The dispute in the present case is squarely covered by the provisions of Section 45 of the Punjab Land Revenue Act, 1887 hence the suit cannot be held to be barred by law.

9. In view of the above, the present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

10. It is however, clarified that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

05.03.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO