

124 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM-5696-CWP-2026 in/and  
CWP-9835-2026 (O/M)  
Date of decision : 16.04.2026

Mahinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sangram Singh Saron, Advocate  
for applicant-petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

CM-5696-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record certain documents as Annexure P-10 to Annexure P-18.
2. For the reasons mentioned in application, same is allowed and documents (Annexure P-10 to Annexure P-18) are taken on record subject to all just exceptions.
3. Application is accordingly disposed of.

CWP-9835-2026 (O/M)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 11.02.2026 (Annexure P-6), passed by learned District Development and Panchayat Officer-cum-

Collector, Tarn Taran (in short 'Collector'); whereby the peittioner has been ordered to be evicted.

1.1 A further prayer has been made for quashing of warrants of possession dated 25.02.2026 (Annexure P-7), issued by learned Collector.

1.2 Another prayer has been made for issuance of appropriate directions for restraining the respondents from dis-possessing the petitioner from land in question during the pendency of Civil Suit No. 534-2022 (Annexure P-3) and also appeal dated 11.03.2026 (Annexure P-9), pending before learned Commissioner-cum-Joint Development Commissioner, Punjab (in short 'Commissioner').

2. Briefly, petitioner is stated to be in possession of land measuring 30 Kanal – 11 Marla, comprised in khasra No. 10//5, 6, 18, 19 and 20 of village Chela, Tehsil Bhikhiwind, District Tarn Taran. Petitioner claims that he is in cultivating possession of said land since 1976.

2.1 In para 2 of writ petition, petitioner has claimed that he is in adverse possession of land in question. Para 2 of writ petition reads as under :-

*“2. That the petitioner made the uneven, uncultivable and abandoned land in question (measuring 30 Kanals 11 Marlas in Khasra No. 10//5, 6, 18, 19, 20 in village Chela, Tehsil Bhikhiwind, District Tarn Taran) cultivable in 1976. Since then the said land has been in open, hostile, continuous and uninterrupted possession of the Petitioner.”*

2.2 It is claimed by the petitioner that since he is a senior citizen; therefore, on account of old age, the aforesaid land is being cultivated by his son Judgebir Singh.

2.3 It appears that the petitioner had earlier filed a Civil Suit No. 404 on 12.02.2014 against the Gram Panchayat, Chela and its Sarpanch, seeking permanent injunction, which came to be decreed, vide judgment and decree dated 11.09.2017 (Annexure P-1). It is further stated that even son of petitioner, namely, Judgebir Singh filed a Civil Suit No. 534 of 2022, seeking declaration that he is owner in possession of aforesaid land measuring 30 Kanal – 11 Marla on the basis of adverse possession. It is next submitted that in the aforesaid civil suit (Annexure P-3), filed by petitioner's son, namely, Judgebir Singh, learned Civil Judge (Junior Division), Patti, vide an order dated 31.05.2023 (Annexure P-4), directing the parties to maintain status quo qua possession till further orders.

2.4 It transpires that even Gram Panchayat, village Chela (respondent No. 4 herein) has filed a separate suit i.e. Civil Suit No. 816 of 2025 against petitioner's son, namely, Judgebir Singh, seeking permanent injunction for restraining him from cultivating the land in question; however, on an application being filed by Judgebir Singh (son of petitioner) under Section 10 of Civil Procedure Code in the aforesaid suit, filed by Gram Panchayat, village Chela; learned Civil Judge (Junior Division), Patti, vide order dated 09.02.2026 (Annexure P-5), stayed the proceedings in the suit filed by Gram Panchayat.

2.5 On the other hand, respondent No. 4 (Gram Panchayat) filed an eviction petition against petitioner (Mahinder Singh) in July, 2022, which has been allowed by learned Collector, vide order dated 11.02.2026 (Annexure P-6).

2.6 Evidently, the aforesaid eviction order dated 11.02.2026 (Annexure P-6), has been challenged by petitioner by filing an appeal under Section 9 of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short '1973 Act'), which is stated to be pending before learned Commissioner. Alongwith statutory appeal, petitioner has filed an application for stay, which is also stated to be pending.

2.7 In para-15 of writ petition, it is specifically pleaded by petitioner that he has filed an appeal on 11.03.2026 before learned Commissioner; however, no court was held on 18.03.2026 and 25.03.2026 and, therefore, application for stay filed by petitioner alongwith his statutory appeal has not been heard and on the other hand, warrants of possession dated 25.02.2026 are sought to be executed.

3. In the aforementioned circumstances, the petitioner has assailed order dated 11.02.2026 (Annexure P-6) as well as warrants of possession dated 25.02.2026 (Annexure P-7) before this Court by filing the instant civil writ petition.

4. I have heard learned counsel for petitioner and perused the paperbook with his able assistance.

5. Concededly, in the year 2014, the petitioner had filed a Civil Suit No. 404 of 2014, seeking permanent injunction against gram panchayat as well as its Sarpanch for restraining them from interfering in the peaceful possession of petitioner over aforesaid land measuring 30 Kanal-11 Marla, which forms a part of large chunk of land measuring 370 Kanal-14 Marla, situated at village Chela, Tehsil Patti, District Tarn Taran, comprised in Khewat No. 119/112 (as per jamabandi for the

year 2011-12). In the said suit, filed by petitioner herein, a categoric stand has been taken by petitioner that the gram panchayat (defendant No. 1 in the suit) is the owner of suit property and petitioner herein is coming in settled possession of suit land in capacity of 'gair marusi' at the rent of Rs. 1,405/- per year. It was further stated that petitioner herein is in cultivating possession of the land in question and defendants in said suit are threatening to dis-possess him forcibly and illegally by interfering in his peaceful possession.

5.1 Admittedly, the aforesaid suit for permanent injunction, filed by petitioner against gram panchayat came to be decreed, vide judgment and decree dated 11.09.2017, whereby the gram panchayat was restrained permanently from dis-possessing the petitioner, except in due course of law.

5.2 A perusal of above referred judgment and decree dated 11.09.2017 would show that the then gram panchayat had not led any evidence in the said suit, filed by the petitioner.

5.3 Be that as it may, the only fact that crystallizes from the aforesaid judgment and decree dated 11.09.2017 is that the petitioner claims to be in possession in the capacity of a 'tenant' paying Rs. 1,405/- per year to the gram panchayat. Even in Column No. 9 of the revenue record/jamabandi (Annexure P-10 to Annexure P-18), especially jamabandi for the year 2006-07 (Annexure P-15) onwards, the entry is "Gair Marusi Bil Mukta 1400/- Salana" i.e. tenant at the rate of yearly rent of Rs. 1400/-.

5.4 It appears that in July, 2022, the gram panchayat filed an eviction petition against petitioner in respect of aforesaid land and immediately thereafter the son of petitioner, namely, Judgebir Singh filed a civil suit (CS-534-2022), seeking declaration that he is owner in possession of above referred land measuring 30 Kanal – 11 Marla, on the basis of adverse possession.

5.5 From a perusal of court fee ticket attached on the aforesaid suit (see page 38 of paperbook), it is evident that the suit has been filed in the month of August, 2022 i.e. after filing of eviction petition. In the said suit, even the petitioner was impleaded as defendant No. 5 and in para 2 of civil suit, following plea has been raised :-

*“2. That defendant no. 1 was owner of the land fully mentioned in the headnote of the plaint, i.e. situated in Village Chela, land measuring 30 kanals 11 marlas. That defendant no. 1 through Village Panchayat has abandoned this land since 1976. That Mahinder Singh defendant no. 5 utilized this land which was uneven and not cultivable. He spent huge amount in leveling it and making it cultivable and was sowing crops and harvesting the same since 1976 onwards, openly, continuously without any interruption, known to the whole world inclusive of defendants no. 1 to 4. That Mahinder Singh above said is aged about 80 years and could not cultivate the land due to his old age and Mahinder Singh defendant no. 5 also abandoned this land about 20 years back and plaintiff utilized it and now the plaintiff is cultivating the land for the last 20 years continuously, uninterruptedly, openly, known to whole of the worlds and is in adverse possession of the same and Gram Panchayat of Village Chela never came in possession of the same in any capacity nor did it auction this land since 1976 onwards and*

*plaintiff is in continuous possession as owner by way of adverse possession for the last 20 years, openly, continuous, uninterrupted, known to whole of the world inclusive of the defendant no. 1 to 5.”*

5.6 When the suit filed by petitioner is seen in the context of pleadings made by the son of petitioner, namely, Judgebir Singh in his civil suit, it is evident that on one hand, the petitioner claimed himself to be in possession of land in question in the capacity of a tenant under the gram panchayat and on the other hand, son of petitioner, namely, Judgebir Singh, is claiming himself to be in adverse possession for the last 20 years by claiming that even his father i.e. present petitioner (Mahinder Singh) had abandoned the land about 20 years prior to filing of suit i.e. August, 2022. The aforesaid conduct of petitioner as well as his son, namely, Judgebir Singh depicts a well-thought strategy of petitioner and his son for retaining possession of land in question, regarding which eviction order already stands passed, after adopting due course of law in terms of judgment and decree dated 11.09.2017 (Annexure P-1).

5.7 Be that as it may, although the petitioner has challenged the eviction order by filing an appeal before learned Commissioner, which is stated to be pending for 22.04.2026; however, it is also noticeable that before filing an appeal before appellate authority, petitioner alongwith his son Judgebir Singh had filed a criminal writ petition (CR.W.P. 2294-2026) before this Court, seeking direction to Senior Superintendent of Police, Tarn Taran to protect their lives and liberty; however, same was dismissed by a coordinate Bench of this Court, vide

order dated 27.02.2026 (copy downloaded from website of this Court), the relevant extract of which reads as under :-

“2. Learned counsel contended that the petitioners filed a suit for permanent injunction with regard to Panchayat land measuring 30 kanals 11 marlas, which is in their possession since 1976. The suit was decreed on 11.09.2017. About five years later, another suit for permanent injunction with respect to the same land was filed by the petitioners, wherein the parties were directed to maintain status quo, vide order dated 31.05.2023. Despite this interim order, the petitioners have not been allowed to cultivate the land. Some of the members of the Gram Panchayat lodged FIR no. 92 dated 04.06.2025 under Section 109, 190, 191(3) and 351(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 25 and 27 of Arms Act, 1959, at Police Station Bhikhiwind, District Tarn Taran, alleging that the petitioners have been trying to forcibly take the possession of the land in question. Wife of petitioner no. 2 approached this Court by filing CRM-M-36653-2025 titled Amarjit Kaur v. State of Punjab and others, seeking fair and proper investigation of the said FIR. It was disposed of vide order dated 15.07.2025, directing the respondents to take a decision on the petitioners' representation submitted in that regard. Sometime later, another FIR no. 202 dated 23.11.2025 under Sections 132, 324, 329, 332 ad 351 (3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act, 1959, at Police Station Bhikhiwind, District Tarn Taran, was lodged by the Gram Panchayat. Petitioner no. 2 submitted a representation to respondent no. 2, dated 30.12.2025, Annexure P-10, seeking an enquiry into the said FIR.

3. Considering the submissions, this Court is not inclined to entertain the petition as learned counsel for the



*petitioners has not been able to point out when and by whom the petitioners' life and liberty have been threatened. There are no specific allegations against anyone in this regard, either in the petition or the aforementioned representation. Instead, it has been stated in the petition that petitioner no. 2 "moved representation before the respondent no. 2 for seeking protection of life and property and further request was made to provide police protection in order to save possession of the land and to harvest the sugarcane crop." Apparently, the effort on the petitioners' part is get police protection to harvest the crop. As per allegations in the FIRs they are in illegal occupation of the Panchayat land, and are trying to misuse the process of Court to retain possession.*

*4. Accordingly, the petition stands dismissed."*

6. Today, learned counsel for petitioner has submitted that despite the appeal having been filed on 11.03.2026, no hearing on the petition has taken place till now and warrants of possession are being sought to be executed against petitioner.

7. On the other hand, learned State counsel has handed over copy of an order dated 27.03.2026, passed by learned Commissioner; whereby on the appeal filed by petitioner against his eviction order, the appellate authority has already summoned the record pertaining to the matter and the case is now listed for hearing on 22.04.2026. Copy of aforesaid order dated 27.03.2026 is taken on record subject to all just exceptions.

8. It is not forthcoming as to why the petitioner had not pressed his prayer for stay on the aforesaid date of hearing i.e 27.03.2026. Interestingly, the instant civil writ petition is stated to have been prepared

on 26.03.2026 i.e. one day prior to the hearing of appeal of petitioner on 27.03.2026; however, the instant writ petition was filed only on 30.03.2026, which came to be listed for hearing on 02.04.2026 when the learned counsel for petitioner had sought time to produce revenue records since the year 1975 onwards.

9. Having considered the matter, especially the fact that the instant writ petition was prepared on 26.03.2026; then, once the matter was listed before the appellate authority on 27.03.2026, then the petitioner should have pressed his prayer for stay in the matter on the said date; however, no such steps appear to have been taken by petitioner. It is interesting to note that the warrants of possession were issued on 25.02.2026, which is in due knowledge of the petitioner; however, still no steps have been taken by the petitioner either to press his stay application, filed alongwith his appeal against his eviction order nor any application has been moved by petitioner for preponment of hearing of said application, filed by petitioner.

10. In the aforementioned circumstances, especially considering the divergent stand being taken by petitioner and his son in respect of same piece of land and also noticing that no steps have been taken by petitioner to either press for stay before appellate authority when the matter was listed on 27.03.2026 nor any subsequent application seeking preponement of the hearing of said application has been filed, I see no compelling reason, which may warrant interference in the present proceedings. Accordingly, the instant civil writ petition is dismissed; however, leaving it open to the petitioner to submit an application for

preponement of hearing in the stay application, filed by petitioner alongwith the appeal before the court of learned Commissioner (appellate authority).

11. It goes without say that in case any such application is filed by petitioner, same shall be considered and decided expeditiously, preferably within a period of ten days from the date of filing of such application.

12. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)  
JUDGE

16.04.2026  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No