



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

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**LPA-439-2022 (O&M)
Decided on : 10.03.2026**

MOHAN SINGH AND ANR.

. .Appellants

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Vineet Chaudhary, Advocate for the appellants.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. R.S. Manhas, Advocate for respondent.

**Ms. Vaishali Kamboj, Advocate for
Mr. R. S. Budhwar, Advocate for respondent No. 3.**

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 24.05.2022 passed by learned Single Judge, in the writ petition bearing CWP No. 11321 of 2022, by which, the proceedings which were initiated by the Gram Panchayat to evict the appellants from the land in question, has been upheld.

2. Learned counsel for the appellants argues that, keeping in view the settled principle of law laid down by the Co-ordinate Division Bench of



this Court in *Karnail Singh versus Sub Divisional Officer (Civil)-cum-Collector, Sirsa (2001) 3 R.C.R. (Civil) 289*, before initiating proceedings under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, notices are required to be served upon the appellants against whom eviction is sought, and no action can be taken against the alleged unauthorized occupants without issuing such notice.

3. Learned counsel for the appellants further submits that action has been taken against the appellants without even issuing notice before passing the order of eviction under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. Learned counsel for the appellants was asked to point out whether such an assertion had been made before the Appellate Authority that the order of eviction was passed without giving any notice to the appellants. Upon this, learned counsel for the appellants concedes that no such argument was raised before the Appellate Authority that the order of eviction by the Appellate Authority was passed without any notice and without observing the rules of natural justice.

It may be noticed that once such argument was not raised before the Appellate Authority or even before the learned Single Judge, raising such arguments, which are factual in nature, cannot be looked into at this stage.

6. Had the appellants raised such an argument before the appellate authority, findings could have been recorded on the basis of the record produced as to whether notice was served upon the appellants before passing the order of eviction or not. Further except a bald assertion in the present



appeal, no document has been placed before this Court to prove that order of eviction was passed without giving notice.

7. Hence, in view of the facts and circumstances of the present case, and considering that no such argument qua the issuance of notices was raised prior to the present appeal coupled with the fact that the said argument is factual in nature, no relief can be granted, especially when, no evidence has been placed on record before this Court to show that the order of eviction was passed against the appellants without serving notice upon them.

8. At this stage, learned counsel for the appellants submits that the land described as “*Zumla Mushtarka Malkan Va Digar Haqdaran*” cannot be treated as land belonging to the Panchayat.

9. It may be noticed that, as per the amendment to the Punjab Village Common Lands (Regulation) Act, 1961, the land described as “*Zumla Mushtarka Malkan Va Digar Haqdaran*” is covered under the definition of ***Shamlat Deh*** as per Section 2 (g) of the Act.

Once the said fact is considered by this Court in the present appeal that the land in question falls under the definition of ***Shamlat Deh***, the eviction carried out by the Gram Panchayat against the appellants so that the land, being covered by the definition of ***Shamlat Deh***, can be used by all the concerned, for common purposes, cannot be treated as contrary to law or illegal.

10. No other argument has been raised.

11. Hence, keeping in view the totality of the facts and circumstances in the present appeal, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



- 12. Accordingly, the present appeal is dismissed.
- 13. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

10.03.2026
Riya
Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No