



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

201

Date of Decision: 23.03.2026

LPA-330-2016 (O&M)

GRAM PANCHAYAT

...Appellant

Versus

STATE OF PUNJAB AND ORS

...Respondents

LPA-375-2016 (O&M)

GRAM PANCHAYAT

...Appellant

Versus

ADDITIONAL DIRECTOR PANCHAYATS AND ORS

...Respondents

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

Present:- Mr. NPS Mann, Advocate,
for the appellant in both cases.

Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. Vikas Singh, Senior Advocate with
Ms. Anamika Sheoran, Advocate,
for respondent No.4 (in LPA-330-2016)

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-712-LPA-2016 in LPA-330-2016

The prayer in the present application is for condonation of
delay of 545 days in filing the appeal

Keeping in view the averments enumerated in the application,
which are duly supported by an affidavit, the same is allowed. Consequently,
the delay of 545 days in filing the appeal is condoned.



CM-791-LPA-2016 in LPA-375-2016

The prayer in the present application is for condonation of delay of 192 days in filing the appeal

Keeping in view the averments enumerated in the application, which are duly supported by an affidavit, the same is allowed. Consequently, the delay of 192 days in filing the appeal is condoned.

Main cases

1. In the present appeal, the challenge is to the order dated 08.07.2014 passed by the learned Single Judge in CWP-5747-1992, by which the writ petition filed by the private respondents against the order of eviction under the provisions of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, has been allowed.

2. By this order, we propose to dispose of LPA-330-2016 and LPA-375-2016 by a common order. With the consent of learned counsel for the parties and for the sake of convenience, facts are being taken from LPA-330-2016.

3. Learned counsel for the appellant argues that without even taking into consideration the actual revenue record, in which the land in question has been shown as *shamlat deh*, the impugned order dated 08.07.2014 has been passed in the writ petition deciding the question as to whether the respondents, who are claiming themselves to be the owners of such land, can be evicted from therein or not. Learned counsel for the appellant submits that even as per the Full Bench judgment passed in CWP-2318-2002, titled as ***Parkash Singh and others vs. Joint Development Commissioner, Punjab and others***, decided on 08.11.2013, if a land is in



nature of “Mushtarka Malkan” but has been described as “*shamlat deh*”, the management of the same has to be done by the Gram Panchayat and the same can only be done by Gram Panchayat in case the possession of same remains with the Gram Panchayat, which fact has been ignored by the learned Single Judge.

4. Learned counsel appearing on behalf of the respondents has not been able to point out that the revenue record which is being brought in play, according to which the land in question has been described as “*shamlat deh*” has even been discussed by the learned Single Judge as the impugned judgment has been pronounced by considering the property as “Mushtarka Malkan”.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the impugned order passed by the learned Single Judge has been passed by ignoring the relevant revenue record, which are very material for deciding whether the land in question is to be managed by the Gram Panchayat or not and in the corollary whether the said land is *shamlat deh* or not, restraining the Gram Panchayat from evicting the respondents from land in question, which according to the Gram Panchayat and revenue record is *shamlat deh*, cannot be upheld. The revenue entry wherein the land has been described has to be looked into before ascertaining whether the eviction of even the proprietors can be argued in case the same land is found to be a *shamlat deh*.

7. Keeping in the totality of the circumstances, as the impugned judgment is perverse to certain facts already on record, the impugned



judgments dated 08.07.2014 passed by the learned Single Judge are set aside and the cases are remanded back to the learned Single Judge for fresh decision.

- 8. Let the parties appear before the Learned Single Judge on 20.04.2026.
- 9. Photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

March 23, 2026
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No