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

CWP-23570-2023 (O&M)

Date of Decision : 01.04.2026

Devender Singh & Anr

... Petitioner(s)

Versus

State of Haryana & Anr

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Karanvir Hooda, Advocate for the petitioners.

Mr. Saurabh Mago, DAG Haryana for respondent No.1.

Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate and
Ms. Sharvi Dadhwal, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India challenging the impugned order dated 31.05.2023 (Annexure P-11) whereby the Divisional Commissioner, Rohtak, relying on the judgment of the Hon'ble Supreme Court in the case of **State of Haryana Vs. Jai Singh & Ors. [2022 (2) RCR (Civil) 803]**, allowed the revision filed by respondent No.2 - Municipal Corporation, Rohtak - under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana (hereinafter referred to as the '1961 Act') and consequently set aside the orders dated 26.11.1985 (Annexure P-1) and 04.08.1986 (Annexure P-2).

2. Briefly, the facts relevant to the present *lis* are that the predecessor-in-interest of the petitioners herein, namely, Umed Singh, was the original owner in possession of land comprised in Khewat No.1137,

Rect. No.25//13, 14, 17, 18, 23 and 24 *admeasuring* 48 kanals 0 marla located at Village Sunarian Kalan, Hadbast No.101, District Rohtak, Haryana. The Gram Panchayat, Sunarian Kalan filed a petition under Section 7 of the 1961 Act seeking eviction of the predecessor-in-interest of the petitioners, namely, Umed Singh, from the aforesaid land. Since Umed Singh claimed title over the said land, the petition was converted to a title suit under Section 13-A of the 1961 Act by the Assistant Collector 1st Grade, Rohtak. The said suit was dismissed vide order dated 26.11.1985 (Annexure P-1) and the land in question was held to be in ownership of *Shamlat Panna Mehtan* and Umed Singh was held to be in cultivating possession of the land since the year 1944-45. Aggrieved by the said order, the Gram Panchayat preferred an appeal before the Collector. The Collector upheld the findings of the Assistant Collector 1st Grade and dismissed the appeal vide order dated 04.08.1986 (Annexure P-2). A civil suit was also filed by Umed Singh, predecessor-in-interest of the petitioners herein, for permanent and mandatory injunction which was allowed vide the judgment and decree dated 03.02.2006 (Annexure P-3) and Umed Singh was declared to be owner in possession of the land in question being a shareholder of *Shamlat Panna Mehtan*. The Gram Panchayat aggrieved by the said judgment and decree preferred an appeal before the First Appellate Court which appeal was dismissed vide the judgment and decree dated 29.11.2007 (Annexure P-4). Still not satisfied, a regular second appeal was preferred being RSA-4187-2008 which was also dismissed by this Court vide order dated 14.05.2009 (Annexure P-5). The said order attained finality inasmuch as the same was not challenged before the Supreme Court. In 2010 a notification was issued under the Haryana Municipal Act, 1973 including the *sabha* area of the Gram Panchayat within

the municipal limits. The Municipal Corporation, Rohtak issued three notices bearing Nos.753, 754 and 755 dated 12.11.2021 (Annexures P-6 to P-8) to the petitioners stating therein they were in illegal possession of the suit land and directing them to vacate and hand over possession of the same. A civil suit was filed by the petitioners being CS No.201 of 2022 titled as “Devender Singh & Anr. Vs. State of Haryana & Ors.” for declaration that the notices dated 12.11.2021 (Annexures P-6 to P-8) issued by the Municipal Corporation, Rohtak be declared illegal, null and void. On 21.03.2022 an interim order (Annexure P-10) was passed staying the operation of the notices dated 12.11.2021. It is to be noted that the said order has never been challenged by the Municipal Corporation, Rohtak. On 06.07.2022 the Municipal Corporation, Rohtak filed a revision before the Divisional Commissioner, Rohtak, challenging the orders dated 26.11.1985 and 04.08.1986, which was allowed vide the impugned order dated 31.05.2023 (Annexure P-11) setting aside the orders dated 26.11.1985 and 04.08.1986. Aggrieved by the same, the present writ petition has been preferred.

3. Learned counsel for the petitioners would contend that the Divisional Commissioner, Rohtak had no jurisdiction to entertain the said revision petition under the 1961 Act as after the extension of the municipal limits and the *sabha* area of the Gram Panchayat having been included in the municipal limits, the Authorities under the 1961 Act had no power to adjudicate upon the matter and it was the Civil Court which had the jurisdiction. In support of his contentions the learned counsel has relied upon the judgment of the Division Bench of this Court in the case of **Anar Singh Vs. Commissioner, Rohtak Division, Rohtak & Ors. [2014 (2) RCR (Civil) 258]**.

4. *Per contra*, the learned senior counsel appearing on behalf of respondent No.2 is not in a position to deny that the issue is no longer *res integra* and it has been laid down by the Division Bench of this Court in **Anar Singh's case** (supra) that the Authorities under the 1961 Act would not have jurisdiction to adjudicate upon the nature of the land once the *sabha* area of the Gram Panchayat has been included within the municipal limits.

5. We have heard the learned counsel for the parties.

6. In the present case, admittedly, the municipal limits were extended in 2010. The revision petition preferred by the Municipal Corporation, Rohtak before the Divisional Commissioner, Rohtak under the 1961 Act was *sans* jurisdiction. The Division Bench of this Court in **Anar Singh's case** (supra) has held as under :

“16. After issuance of a notification under the Municipal Act, including the sabha area of a Gram Panchayat, within municipal limits, Section 7(4) of the Panchayat Act comes into play and provides that the Gram Panchayat shall cease to exist and its assets and liabilities shall vest in a municipality. Thus, after issuance of a notification under the Municipal Act, section 7(4) of the Panchayat Act, brings about the demise of the Gram Panchayat, as an administrative unit and provides that its assets, including its common land, shall vest in a Municipal Committee. The common land of a Gram Panchayat is, therefore, no longer amenable to or subject to statutory control by any provision of the 1961 Act. The land is henceforth governed by provisions of the Municipal Act. Another consequence of section 7(4) of the Panchayat Act is that a Collector, exercising power under section 13-A of the 1961 Act, or an Appellate Authority, hearing an appeal under Section 13-B of the 1961 Act, can no longer declare whether that

land vests or does not vest in a Gram Panchayat. The mere fact that land was “Shamilat Deh” under the 1961 Act or that Sections 2(22-B) and 61(h) of the Municipal Act use the words “Shamilat Deh”, would not empower a Collector, appointed under the 1961 Act, to exercise power with respect to land, that has ceased to be part of a sabha area, ceased to be amenable to provisions of the 1961 Act. The fact that the Municipal Act may not provide a forum for deciding whether land was or was not “Shamilat Deh or whether it vested or did not vest in a Gram Panchayat cannot confer jurisdiction upon the Collector, or the Appellate Authority, exercising powers under the 1961 Act, to entertain such a dispute or to adjudicate a pending petition or appeal after the Gram Panchayat has ceased to exist and the land has vested in a Municipal Council.

17. The petitioner filed a petition under Section 13 of the 1961 Act which was dismissed. During pendency of an appeal, a notification was, admittedly, issued to include the sabha area of the Gram Panchayat within municipal limits of Municipal Council, Sampla. After issuance of the notification, the Gram Panchayat and the sabha area have ceased to exist and the land, in dispute, is no longer amenable to provisions of the Panchayat Act or the 1961 Act. The Collector and the Appellate Authority, exercising powers under the 1961 Act, have no jurisdiction, to decide whether land vests or does not vest in a Gram Panchayat. The Appellate Authority has, therefore, rightly dismissed the appeal. The petitioner would, however, have to approach a civil court for adjudication of his rights in the Shamilat Deh of the erstwhile Gram Panchayat.”

7. From a perusal of the above reproduced relevant paragraphs of the judgment in **Anar Singh’s case** (supra), it is clear that once the *sabha* area

of a Gram Panchayat has been included within the municipal limits, the common land of a Gram Panchayat is no longer amenable or subject to the statutory control by the provisions of the 1961 Act. In view thereof, we have no hesitation in holding that the revision filed before the Divisional Commissioner, Rohtak was itself not maintainable. Accordingly, the impugned order dated 31.05.2023 (Annexure P-11) is set aside. However, as held in the judgment in **Anar Singh's case** (supra), respondent No.2 - Municipal Corporation, Rohtak - would always have the liberty to avail the remedies as available in law and raise all pleas as permissible by law.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

(RAMESH CHANDER DIMRI)
JUDGE

01.04.2026
Yogesh Sharma

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