



(116) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3397-2025 (O&M)

Date of Decision: 21.04.2026

KARTAR SINGH (SINCE DECEASED) THROUGH HIS LR

...Appellant

Vs.

GRAM PANCHAYAT GORIAWAS AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Abhimanyu Singh, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

1. The appellant/plaintiff has preferred the present Regular Second Appeal assailing the judgment and decree dated 12.08.2025 passed by the learned Additional District Judge, Gurugram, whereby the appeal filed by the appellant/plaintiff came to be dismissed. Vide the said judgment, the learned First Appellate Court affirmed and upheld the judgment and decree dated 23.08.2022 passed by the learned Civil Judge (Junior Division), Gurugram.

2. Briefly stated, the appellant/plaintiff instituted a suit for declaration claiming that he along with his uncle, Harnarain, is owner in possession of the suit land bearing *Khewat* No. 102/92, *Khatauni* No. 107, comprised in *Khasra* No. 88 (0-5), to the extent of 200 sq. yds., situated within the revenue estate of Village Goriawas, P.O. Nanu Kalan, Pataudi, Gurugram. A further prayer was made for declaring the entries in the revenue record as illegal, null and void, not binding on the rights of the plaintiff in any manner, and liable to be corrected. It was further pleaded that land comprised in *Khasra* Nos. 84 (0-8) and 91 (0-5), total measuring 13 *biswas*, to the extent of 200 sq. yds., as well as land in *Khewat* No. 102/92, *Khatauni* No. 107,



Khasra No. 88 (0-5), to the extent of 100 sq. yds., is in the possession of the plaintiff and his uncle. It was also averred that in the *jamabandi* for the year 1961-62, the suit land was recorded as “*Jumla Malkan and Digar Haqdaran Hasab Rasad Rakba*” and shown under the possession of “*Maqbuja Harijan*”. However, it was alleged that *Khasra* No. 84 measuring 8 marlas was wrongly recorded as “*Gair Mumkin Chah*”, and *Khasra* No. 91 measuring 5 marlas was wrongly recorded as “*Gair Mumkin Chaupal Harijan*” in the said revenue record. According to the plaintiff, *Khasra* No. 84 was actually reserved for *Harijan Chaupal*, whereas *Khasra* No. 91 was reserved for a well meant for providing drinking water to the *Harijan Basti*. It was further pleaded that over a period of time, the well situated in *Khasra* No. 91 had dried up and was filled with mud, and the plaintiff is now in possession thereof by raising a tin shed and fixing wooden poles for tethering cattle, using the land for domestic purposes. It was alleged that the defendants were attempting to forcibly dispossess the plaintiff from the suit land. The suit was contested by the defendants by filing written statement, wherein it was asserted that the suit property vests in the Gram Panchayat and that the plaintiff has no right, title or interest therein. Upon consideration of the pleadings and evidence, the learned trial Court partly decreed the suit to the extent that the plaintiff along with his uncle Harnarain was held to be owner in possession of land bearing *Khasra* No. 88 (0-5) to the extent of 150 sq. yds. as per the revenue record, and the defendant No. 2 was restrained from interfering in the peaceful possession of the plaintiff over the said land. The remaining reliefs were declined and the suit was dismissed against defendant No. 1. Aggrieved thereby, the plaintiff preferred an appeal, which also came to be dismissed



vide judgment and decree dated 12.08.2025 passed by the learned Additional District Judge, Gurugram, affirming the findings of the trial Court. Hence, the present Regular Second Appeal.

3. I have heard counsel for the appellant and has gone through the file carefully.

4. Perusal of the record clearly reveals that the suit land comprised in *Khasra* Nos. 84 (0-8) and 91 (0-5) is recorded in the revenue record as “*Jumla Malkan and Digar Haqdaran Hasab Rasad Rakba*” and was subsequently mutated in the name of the Gram Panchayat. The land is shown to be reserved for common purposes, namely irrigation and *Harijan Chaupal*. Although the learned trial Court has recorded a finding that the plaintiff is in possession over a part of the suit land, no protection to such possession has been granted by the Courts below. This is for the reason that the suit property has been held to be public land belonging to the Gram Panchayat, and the plaintiff has been found to be in unauthorized and illegal occupation thereof. It has further been held that the plaintiff has failed to establish any ownership rights over *Khasra* Nos. 84 and 91. The revenue entries (Ex. P-3) reflect the ownership of “*Jumla Malkan and Digar Haqdaran Hasab Rasad Rakba*”, whereas Ex. P-6 is the mutation entry in favour of the Gram Panchayat.

5. The learned First Appellate Court has rightly concluded that the suit land in *Khasra* Nos. 84 and 91, having been reserved for welfare purposes of the Harijan community during consolidation proceedings, vests in the Gram Panchayat as “*Shamlat Deh*” in terms of Section 2(g)(6) of the Punjab Village Common Lands (Regulation) Act, 1961. The possession of the plaintiff over approximately 200.56 sq. ft. in *Khasra* No. 91, as also reflected in the report



of the Local Commissioner, has been found to be that of an encroacher, and therefore, not entitled to any protection in law.

6. In view of the aforesaid concurrent findings recorded by the Courts below, and upon appreciation of the entire material on record, no illegality, perversity or infirmity is found therein warranting interference in the present second appeal. Finding no merit in the appeal, the same is accordingly **dismissed**.

7. Pending applications (if any) shall stand disposed of.

(VIRINDER AGGARWAL)
JUDGE

21.04.2026

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*