



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

**CWP NO.27473 OF 2017 (O&M)
RESERVED ON: AUGUST 22, 2025
DATE OF DECISION: SEPTEMBER 12, 2025**

Gram Panchayat Mavi Sappan

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. C. L. Premy, Advocate with
Ms. Amarjit Kaur, Advocate and
Ms. Raman Rekhi, Advocate,
For the petitioner.

Mr. Himanshu Raj, Addl. AG, Punjab.

LAPITA BANERJI, J.

Under Challenge in the instant writ petition is an order dated June 09, 2016 (Annexure P-23) passed by respondent No.2-Joint Development Commissioner (RD), Rural Development and Panchayat, Punjab, (exercising the powers of Commissioner), under Section 11(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as "the 1961 Act") and an order dated July 25, 2011 (Annexure P-21) passed by respondent No.3-Collector-cum-Divisional Deputy Director Panchayats, Patiala.

2. The brief facts of the case are as follows:



CWP No.27473 of 2017 (O&M)

- i) The private respondents No.4 and 5 instituted proceedings under Section 11 of the 1961 Act for declaring them as the owners of the land comprising of Khasra No.40//19 (2-16), 20 (8-0), 21 (6-8), 41//1 (2-10), 42//5 (8-0), admeasuring a total of 28 Kanals 04 Marlas, situated at village Mavi Sappan, Tehsil and District Patiala.
- ii) Respondents No.4 and 5 claimed to be the Khewatdars of the village who were in continuous possession of the land through their predecessors, since January 26, 1950.
- iii) Respondents No.4 and 5 trace their interest in the land through one Gujjar Singh from whose sons they claim to have purchased the land. The said Gujjar Singh along with one Meha Singh were in cultivable possession of the disputed land prior to Gujjar Singh's interest being transferred to his sons and from his sons to the respondents No.4 and 5.
- iv) Through Mutation No.417, the name of Nagar Panchayat was recorded as owner on the basis of a government letter dated June 06, 1957, whereas before that the land was recorded as "*Shamlat Deh Hasab Rasad Khewat*".
- v) The case of respondents No.4 and 5 in their application under Section 11 of the 1961 Act was that they were in continuous possession of the land since 1981 and the disputed land does not fall within the definition of "*Shamlat*" and is in the nature of "*Bachat*" land.
- vi) Respondents No.4 and 5 claimed that neither the Gram Panchayat is owner of the land nor is it in possession of the land and the



CWP No.27473 of 2017 (O&M)

same was never used for any common purpose of the village. It was contended in Section 11 application that since Gujjar Singh was in possession of the land before the consolidation, the disputed land did not fall within the definition of “*Shamlat*” under Section 2 (g) of the 1961 Act.

vii) The Gram Panchayat contested the application under Section 11 of the 1961 Act by filing a reply. The case of the petitioner-Gram Panchayat was that the said Gujjar Singh/his sons could only show the possession of the land since 1980 and not before that. The land in question was always in the nature of “*Shamlat*” land and was reserved for common purposes since consolidation. Hence, the mutation of the disputed land was correctly made in the name of Gram Panchayat.

viii) The petitioner-Gram Panchayat had filed a previous application under Section 7 of the 1961 Act against Gujjar Singh wherein ultimately Gujjar Singh’s possession in the disputed land was established. This Court vide order dated March 22, 1995 passed in CWP No.1718 of 1981 had set-aside the order of eviction dated January 09, 1980 passed by the Collector against Gujjar Singh, as upheld in appeal by the Joint Director Panchayats, vide order dated March 11, 1981.

ix) The Divisional Deputy Director-cum-Collector while deciding the Section 11 application under the 1961 Act, vide impugned order dated July 25, 2011 (Annexure P-21), held that since the respondents No.4 and 5 had purchased 22 Kanals 19 Marlas of land vide Vaseeka dated May 14, 1998 and 14 Kanals 16 Marlas vide Vaseeka



CWP No.27473 of 2017 (O&M)

dated October 31, 2002 from sons of Gujjar Singh, they became the legal owners of the land in question. Out of the purchased land, the disputed land admeasures 28 Kanals 04 Marlas.

x) Furthermore, the Collector held that no documentary proof was brought on record by the Gram Panchayat to show that the land belonged to Gram Panchayat.

xi) Challenge was made to the said order dated July 25, 2011 by the Gram Panchayat by filing Appeal No.23/2012 dated 17.02.2012 under Section 11 (2) of the 1961 Act.

xii) Vide impugned order dated June 09, 2016, the Commissioner observed that the Gram Panchayat did not place any document on the basis of which its ownership could be proved and respondents No.4 and 5 being the khewatdars/proprietors of the village had succeeded to prove their ownership on the basis of record. Therefore, it was held that the disputed land did not vest in the Gram Panchayat and the appeal was dismissed.

(xiii) The Gram Panchayat has approached this Court challenging impugned orders dated June 09, 2016 (Annexure P-23) and July 25, 2011 (Annexure P-21) passed by the Collector and Commissioner, respectively.

3. Learned counsel appearing on behalf of the petitioner-Gram Panchayat submits that perusal of the revenue records for the year 1959-60 till 2014-15, including Girdawari for the year 2010-11, would clearly establish that the petitioner-Gram Panchayat was recorded as “Nagar



CWP No.27473 of 2017 (O&M)

Panchayat Majkooor” in the ownership column. Various persons were recorded in the cultivators’ column as “Kastkar” in different periods of time, over the disputed land. As per the 1961 Act, when in the ownership column of the disputed land “Nagar Panchayat Majkooor” is recorded, the nature of the land was “*Shamlat*” and the same was in absolute ownership and control of the petitioner. The land was mutated in favour of the Gram Panchayat as early as in the year 1954 and it is in continuous possession of the petitioner.

4. It is also submitted that a perusal of the Jamabandis for the year 1994-95 would clearly show that “Nagar Panchayat Deh” is recorded in the ownership column and the names of Darbara Singh and Barkha Singh, being sons of Gujjar Singh/ predecessors-in-interest, of respondents No.4 and 5 have been recorded in the cultivation column no.5. Therefore, the revenue record would clearly establish that the predecessors-in-interest of the respondents No.4 and 5 were only in cultivating possession of the land and not the owners of disputed land. Since the predecessors-in-interest- Darbara Singh and Barkha Singh had no ownership rights, they could not have transferred the same to respondents No.4 and 5.

5. Both Darbara Singh and Barkha Singh were unauthorised/ illegal occupants and unauthorizedly executed a General Power of Attorney in favour of respondent No.5 for managing, using, cultivating etc. the land in dispute. He submits that non-production of the vital documents by the private respondents which were absolutely crucial for



determining the issue of ownership was not considered by the Collector while passing the impugned order dated July 25, 2011 and also by the Commissioner while passing impugned order dated June 09, 2016. Therefore, the impugned orders should be quashed and set-aside.

6. Notice of motion was issued on December 02, 2017.

7. Respondents No.4 and 5 filed their replies, pursuant to the said notice.

8. Learned counsel for respondents No.4 and 5 submits that the Gram Panchayat filed an application under Section 7 of the 1961 Act against their predecessor-in-interest-Gujjar Singh, alleging that he had forcibly acquired the land belonging to the Gram Panchayat. The said Gujjar Singh long prior to the institution of the Section 7 proceedings, had filed a suit for recovery of possession of land including the land in dispute from the Gram Panchayat. The said suit was decreed by the Senior Sub Judge, Patiala on May 27, 1968 and the decree passed therein remained unchallenged. Therefore, he submits that the possession of Gujjar Singh was established by a Court of Law.

9. The Collector, vide order dated January 09, 1980 had erroneously allowed the eviction petition filed under Section 7 of the 1961 Act in favour of the Gram Panchayat, despite decree of a civil Court and the same was upheld by the Joint Director Panchayat- and Commissioner vide order dated March 11, 1981. Gujjar Singh had challenged the said orders by filing the writ petition bearing CWP No.1718 of 1981. Vide order dated March 22, 1995, a Single Bench of



CWP No.27473 of 2017 (O&M)

this Court set-aside the orders passed by the Collector and the Commissioner, by holding that the decree passed by the Senior Sub Judge on May 27, 1968 had to be taken into consideration by the revenue authorities till such time it was proved that the decree was obtained by collusion or fraud. Since there was no challenge to the decree of the civil Court, the possession of Gujjar Singh remains firmly established. Therefore, he contended that not only possession but also ownership of the respondents No.4 and 5 over the disputed land could not be challenged again through this petition.

10. This Court has heard learned counsel for the parties and perused the material on record.

11. By filing of the civil suit which was decreed on May 27, 1968 by the Civil Judge, Gujjar Singh/predecessor-in-interest of the vendees of respondents No.4 and 5 may have been able to prove his possession on the disputed land but the same does not, in any way, determine his ownership of the disputed land. 28 Kanals 04 Marlas land situated in village Mavi Sappan, Tehsil and District Patiala, is a valuable piece of land and revenue records have to be looked into while determining its ownership. No document has been brought on record to prove the ownership of respondents No.4 and 5. From the impugned orders, it appears that no such record was either produced by the respondents No.4 and 5 or called for by the revenue authorities and considered by them, while determining the issue of ownership. Therefore, this Court is of the opinion that material evidence/crucial



CWP No.27473 of 2017 (O&M)

documents have not been considered by the authorities below while determining the ownership of the disputed land.

12. It is a well-settled proposition of law that the writ Courts are well within their authority to review an order/interfere with a decision passed by a *quasi judicial* authority when a relevant piece of material that would have significant bearing on the decision has not been considered by the authorities, while arriving at the decision. It is the propriety of the decision making process that has to be taken into consideration by the Courts while sitting in Judicial Review.

13. A beneficial reference may be made to a judgment rendered by Hon'ble Supreme Court in *B. C. Chaturvedi v. Union of India and others 1995 (6) SCC 749*, where it has been held as under:

“xxx

12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court.

xxx”

14. In *Narinder Mohan Arya v. United India Insurance Co. Ltd. and others, 2006 (4) SCC 713*, it was held by the Apex Court that it is imperative for the writ Court to bear in mind the distinction between “*some evidence or no evidence*” and whether “*some evidence*” adduced would lead to the authorities to arrive at a final conclusion. There has to be a nexus between the evidence adduced and the final conclusion and if



CWP No.27473 of 2017 (O&M)

there is no evidence at all or no nexus between the evidence adduced and the final conclusion, the decision can be interfered with.

15. In *Union Bank of India v. Biswanath Bhattacharjee*, Civil Appeal No.8258 of 2009 after considering the precedents, it has been held by the Supreme Court that the consistent view was that where a decision is based on “no evidence” or consideration of an irrelevant material or ignoring of relevant material or is with *mala fide* intent or that the findings are perverse or that it could not have been rendered by any reasonable person placed in the like circumstances, the remedies under Article 226 of the Constitution of India would be available to the petitioners and intervention in such a matter would be warranted.

16. In view of the law laid down by the Apex Court and as the relevant revenue records which are crucial for determination of the title of the land in question, have not been considered by the learned Collector and the Commissioner, the impugned orders dated June 09, 2016 (Annexure P-23) and dated July 25, 2011 (Annexure P-21) are set-aside. Petition under Section 11 of the 1961 Act is remanded back to the learned Collector for a fresh decision after taking into consideration any fresh/relevant documents brought or to be brought on the record by the parties. An opportunity of filing reply will be provided to the petitioner-Gram Panchayat and all the interested parties will be heard by the Collector prior to passing of a decision, within six months from the date of communication of this order.



CWP No.27473 of 2017 (O&M)

17. Till such time a decision is arrived at in the petition filed under Section 11 of the 1961 Act, *status-quo* with regard to possession of the land is directed to be maintained.

18. With the directions aforesaid, CWP No.27473 of 2017 is **disposed of.**

19. Connected applications, if any, shall also stand disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

SEPTEMBER 12, 2025
Shalini

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No