
(1982) 09 P&H CK 0027
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2804 of 1982

Dharam Pal and others

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 14-09-1982

Acts Referred:

Citation : (1982) PLJ 369 : (1984) RRR 510

Hon'ble Judges : S.S.Sandhawalia;CJ., J and S.S.Sodhi, J

Advocate : Mr. S. C. Kapoor, Advocate., Advocates for appearing Parties

Judgement

S.S. Sodhi, J. and S.S. Sandhawalia, C.J.

1. The petitioners claim title to the land which according to the respondents vested in the Gram Panchayat. On an application filed against the petitioners under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter called the Act), the Assistant Collector 1st Grade, Rohtak, by his order of 24.8.1981 (annexure P 2) held that the land in question vested in the Gram Panchayat under Section 2(g)(4) of the said Act. This order was upheld in appeal by the Collector Rohtak by his order of 14.6.1982 (annexure P3).

2. It is now wellsettled and it is also so accepted by the parties that when in such proceedings a question of title is raised, the Assistant Collector 1st Grade shall first decide the question of title under Sections 13A and 13B of the Act before proceeding to decide the questions raised in the application under Section 7 thereof. This was also so held in Tara Chand v. Gram Panchayat Atail, 1979 P.L.J.

1. In this view of the matter, the orders annexures P2 and P3 are hereby quashed with the direction that the Collector should first determine the question of title raised in this case by the petitioners in accordance with the provisions of Sections 13A and 13B of the Act and to thereafter decide the application under Section 7 thereof according to law.

3. This writ petition is accordingly accepted. There will be no order as to costs.