
(1996) 03 P&H CK 0046
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4824 of 1981

Gram Panchayat	Vs	APPELLANT
The Addl. Collector and Others		RESPONDENT

Date of Decision : 12-03-1996

Acts Referred:

Punjab Village Common Lands (Regulation) Act, 1961 — Section 2, 7

Citation : (1996) 114 PLR 100 : (1996) 3 RCR(Civil) 568

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : Himat Bassi, for the Appellant; Amol Rattan, A.A.G. and C.B. Goel, Jaideep Singh Duhan and R.C. Chauhan for the Respondent No. 4, for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—This writ petition is filed to quash the order of the Additional Collector, Ambala dated 8.6.1981.

2. The Gram Panchayat is the writ petitioner. The 3rd respondent namely the Block Development and Panchayat Officer, Jagadhari, moved an application for ejectment of the 4th respondent u/s 7 of the Punjab Village Common Lands (Regulation) Act, 1961 on the ground that the 4th respondent has been in illegal possession of 23 kanals 18 marlas of the land belonging to the Gram Panchayat in Khasra Nos. 5/18, 19 and 22. The said application was opposed by the 4th respondent on the ground that the land was subject to river action and, therefore, it does not vest in the Gram Panchayat and the same was exempt from the definition of Shamlat Deh. The said application was allowed by the Assistant Collector 1st Grade by his order dated 11.12.1979. But the said order was reversed by the Additional Collector, Ambala in the impugned order holding that the land in dispute was described as alluvian dilluvian action land, and, therefore, it is not shamlat deh and does not vest in the Gram Panchayat. Aggrieved by the said decision, the Gram Panchayat filed the writ petition.

3. A copy of Wajab-ul-Arz" for 1954-55 was filed before the Assistant Collector. The same has been marked as Ex. R. 1. According to the jamabandi for the year 1973-74, the land was not described as land belonging to Gram Panchayat. It is borne out by the record that the land is subject to alluvial dilluvian action. Thus, it is clear that the land is subject to river action. u/s 2(g)(i), the shamlat deh does not include land which becomes or has become shamlat deh due to river action or has been reserved as shamlat in villages subject to river action except shamlat deh entered in the revenue record.

4. Therefore, it is clear that the land which is subject to river action, cannot be treated as shamlat deh. The record clearly shows that the land in dispute is subject to river action. If that is the case, the land does not come under the definition of shamlat deh. In this view of the matter, I do not find any illegality or infirmity in the order of the Additional Collector, Ambala dated 8.6.1981. The writ petition is, therefore, liable to be dismissed on this short ground.

5. The writ petition is, therefore, dismissed but without costs.