

ITEM NO.104

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).8454/2010

HARPAL SINGH & ORS.

Appellant(s)

VERSUS

STATE OF PUNJAB & ORS.
(with office report)

Respondent(s)

WITH

C.A. No. 8455/2010

(With Office Report)

Date : 04/09/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. Nidhesh Gupta, Sr. Adv.
In C.A.8454/10 Mr. A.K. Vali, Adv.
 Mr. Ramesh N. Keswani, Adv.
 Mr. Hitesh Vali, Adv.

In C.A.8455/10 Mr. Amit Rawal, Sr. Adv.
 Mr. Manoj Swarup, Adv.
 Mr. Utsav Sidhu, Adv.
 Mr. Raman W. Adv.
 Mr. Rohit Kumar Singh, Adv.

For Respondent(s) Mr. R.K. Kapoor, Adv.
 Ms. Shiwani Mahipal, Adv.
 Mr. Anis Ahmed Khan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In the order of the Collector dated 31.08.2007 which was impugned in the writ proceeding out of which the present appeal arises there is a finding that the disputed land is in the ownership of Jumla Mushtarka. It is the contention of the appellants that a dispute with

regard to ownership of the Jumla Mushtarka land is to be resolved by the Civil Court and not by the Revenue authorities. In fact, according to the appellants, the issue with regard to ownership as well as possession of the disputed land had been decided in his favour by the competent Civil Court. However, in the impugned order, the High court has taken a contrary view and has held that the decree of the Civil Court with regard to the ownership and possession of the appellants would not operate as a res judicata to the claim made by the Gram Panchyat with regard to the land in question.

Learned counsel has placed before us the a decision dated 08.11.2013 of the Full Bench of the Punjab and Haryana High Court in Civil Writ Petition No. 2318 of 2002 wherein it has been recorded in para 62 that the only forum available to a person who raises a dispute regarding title in "Jumla Mushtarka Land" is the principal Civil Court having jurisdiction in the matter, as provided by Section 9 of the Code of Civil Procedure, i.e. a Civil Court.

It is stated that the aforesaid order of the Full Bench is presently under challenge before this Court and the matters are due to come up for admission hearing. The

correctness or otherwise of the decision of the Full Bench would have vital bearing on the issues raised in the present appeal. We are, therefore, of the view that all these appeals should be suitably deferred to another date to await the outcome of the preliminary consideration by this Court with regard to the correctness or otherwise of the decision of the Full Bench.

Registry is directed to list the matters after six weeks.

Learned counsels for the parties will inform the Court of the order that may have been passed by this Court in the special leave petition filed against the Full Bench decision of the High Court.

(MADHU BALA)
COURT MASTER

(ASHA SONI)
COURT MASTER