

ITEM NO.44

COURT NO.6

SECTION IVB

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

Petition(s) for Special Leave to Appeal (Civil) No(s).8917/2012

(From the judgement and order dated 28/11/2011 in CWP No.13794/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NIRMAL SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB &amp; ORS.

Respondent(s)

(With prayer for interim relief)

Date: 26/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Varinder Kumar Sharma, Adv.

For Respondent(s)

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

The petitioner, who as per his own admission, was given

Gram Panchayat land on Chakota suffered adverse orders in the

proceedings instituted by the Gram Panchayat under Section 7 of the

Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the

1961 Act') inasmuch as the Collector passed an order for his

eviction and the appeal filed by him was dismissed by the

Divisional Commissioner. The suit for declaration of title and

injunction filed by the petitioner was dismissed by the trial

Court. The appeal filed by him was dismissed by the lower

appellate Court and R.S.A. No. 569/2005 was dismissed by the High

Court vide judgment dated 21.3.2005.

Undeterred by reversal in two proceedings, the petitioner

filed an application under Section 11 of the 1961 Act, which was

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dismissed by Collector, Roopnagar vide his order dated 20.07.2007.

The appeal filed against the order of the Collector was dismissed

by the Director, Rural Development and Panchayat Department, Punjab

exercising the powers of Commissioner.

The writ petition filed by

the petitioner was dismissed by the Division Bench of the High Court, which expressed agreement with the Collector and the Director that a Chakotedar does not have the right to challenge the title of the Gram Panchayat.

We have heard Shri Varinder Kumar Sharma, learned counsel for the petitioner and perused the record.

In our view, the special leave petition deserves to be dismissed because the petitioner has not approached the Court with clean hands inasmuch as he has deliberately omitted to place on record the orders passed in the proceedings instituted by the Gram Panchayat under Section 7 of the 1961 Act and the judgments and decrees passed in the civil suit filed by him.

Even on merits, we are convinced that the concurrent finding recorded by the Collector and the Director that being a Chakotedar, the petitioner cannot claim title over the land belonging to the Gram Panchayat, did not suffer from any legal infirmity and the High Court rightly dismissed the writ petition filed by him.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master