



IN THE COURT OF SUB DIVISIONAL MAGISTRATE EXERCISING THE POWES OF A.C. IST GRADE BALACHAUR (SHAHEED BHAGAT SINGH NAGAR)

- 1 Lakha Singh son of Gopal Singh
- 2 Mohinder Singh son of Gopal Singh
- 3 Kartar Singh son of Gopal Singh

All residents of Village Ramgarh (Paniali), Tehsil Balachaur, District Shaheed Bhagat Singh Nagar.

.....Appellants

Versus

Gram Panchayat of Village Jameetgarh, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, through its Sarpanch.

.....Respondent

APPEAL AGAINST ORDER DATED 14.06.2010 PASSED BY TEHSILDAR CUM A.C. IIND GRADE BALACHAUR VIDE WHICH HE HAS DISMISSED APPLICATION FILED BY APPELLANTS FOR CORRECTION OF KHASRA GIRDAWRI QUA LAND MEASURING 08 KANALS 16 MARLAS, COMPRISED IN KHEWAT No.191, KHATOUNI No.223, BEARING KHASRA Nos. 14//20(2-12), 21(6-4), ENTERED IN JAMABANDI FOR THE YEAR 2003-2004, SITUATED WITHIN THE REVENUE ESTATE OF VILLAGE BIR KATHGARH, H.B. No.424, TEHSIL BALACHAUR, DISTRICT SHAHEED BHAGAT SINGH NAGAR

CLAIM IN APPEAL: - TO SET ASIDE IMPUGNED ORDER DATED 14.06.2010 AND TO CORRECT KHASRA GIRDAWRI ENTRIES OF LAND MEASURING 08 KANALS 16 MARLAS, COMPRISED IN KHEWAT No.191, KHATOUNI No.223, BEARING KHASRA Nos. 14//20(2-12), 21(6-4), ENTERED IN JAMABANDI FOR THE YEAR 2003-2004, SITUATED WITHIN THE REVENUE ESTATE OF VILLAGE BIR KATHGARH, H.B. No.424, TEHSIL BALACHAUR, DISTRICT SHAHEED BHAGAT SINGH NAGAR, FROM THE NAME OF RESPONDENT IN THE NAME OF APPELLANTS

This appeal has been filed by the counsel of appellants Sh. Keshav Choudhary on behalf of appellants. Respondents to be summoned through notice. Record of lower court to be summoned. file to be put up on 23/07/10. 28/07/10.

Sir,

The appellants humbly submit as under: -

- 1 That the appellants filed an application for correction of Khasra Girdawri qua land measuring 08 Kanals 16 Marlas, comprised in Khewat No.191, Khatouni No.223, bearing Khasra Nos. 14//20(2-12), 21(6-4), entered in Jamabandi for the year 2003-2004, situated within the revenue estate of Village Bir Kathgarh, H.B. No.424, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, from the name of respondent in the name of appellants as the appellants are cultivating the said land without any interruption from any corner.
- 2 That the said lower court illegally dismissed the application aforesaid filed by the appellants vide its order dated 14.06.2010 and the same is liable to be rejected on the following grounds: -
 - i) That the Presiding Officer of the lower court has not applied its judicial mind while deciding the application under appeal.
 - ii) That the Presiding Officer of the lower court has blatantly violated the basic principle of natural justice and the provisions of Punjab Land Revenue Act as well as Punjab Land Administration Rules. The lower court also failed to follow the procedure to decide the application.
 - iii) That the appellants filed application for correction of Khasra Girdawri on 20.04.2010 but till 14.06.2010 i.e. the date of

under decision, the lower court has not even bothered to issue the notice upon the respondent of the said application. Apart from it, while deciding said application on the one hand the lower court has held that none of the parties have appeared and neither their counsel but simultaneously he dismissed the application under appeal while holding that the appellants tried to get changed the Khasra Girdawri qua the land in question and the same is against the instructions of the State and he further opined that application for correction of Khasra Girdawri is not maintainable. It is pertinent to mention here that on the said date of hearing Lakha Singh appellant as well as clerk of his counsel were present but the President Officer of the lower court, while violating all procedures and principles of law, straightway passed the impugned order under appeal and that too without providing any opportunity of hearing to the appellants.

iv) That the impugned order under appeal is based on conjectures and surmises.

3 That the present appeal is well within limitation.

4 That this Hon'ble Court has got jurisdiction to try and decide the present appeal.

5 It is, therefore, prayed that the present appeal may please be accepted while setting aside the impugned order dated 14.06.2010

under appeal and Khasra Girdawri entries of land measuring 08 Kanals 16 Marlas, comprised in Khewat No.191, Khatouni No.223, bearing Khasra Nos. ~~140~~20(2-12), 21(6-4), entered in Jamabandi for the year 2003-2004, situated within the revenue estate of Village Bir Kathgarh, H.B. No.424, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, may kindly be corrected from the name of respondent in the name of appellants, which is essential in the interest of law, justice and equity.

VERIFICATION

Verified that the contents contained in the above paras from 1 to 5 of this appeal are true and correct to the best of our knowledge and belief.

PLACE: BALACHAUR


DATED: 6 .09.2010

LAKHA SINGH ETC.
(APPELLANTS)


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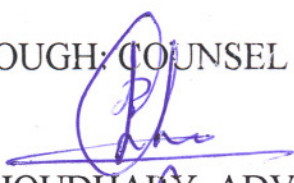
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LAKHA SINGH ETC.
(APPELLANTS)


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THROUGH: COUNSEL



SH. LALIT CHOUDHARY, ADVOCATE,
BALACHAUR (S.B.S. NAGAR)