



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

111

CWP-29573-2026

Date of decision: 11.09.2026

Ramphal and another

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MS. JUSTICE DIVYA SHARMA**

Present: Mr. Pawan Kumar Hooda, Advocate and
Mr. Ankit Kumar, Advocate for the petitioners.

Mr. Pradeep Prakash Chahar, Addl. A.G. Haryana.

VIKAS BAHL, J. (ORAL)

1. In the head note of the petition, following prayers have been made:-

“Civil Writ Petition under Article 226/227 of the Constitution of India with a prayer of issuance of a writ, order or direction, especially in the nature of mandamus for directing the respondents to consider the claim of the petitioners submitted by the petitioners vide applications dated 21.10.2010, 11.08.2026, 12.08.2026 and 18.08.2026 (Annexure P-11 to P-14) for the purchase of the land in question upon which the petitioners have built small residential houses prior to 1950, in view of amendment in The Haryana Village Common Lands (Regulation) Act 1961 dated 12.12.2024 (Annexure P-9) and the Standard Operating Procedure (SOP) for regularization of unauthorized constructed houses on Shamlat land dated 07.04.2025 (Annexure P-10);

AND

It is further prayed that till the decision of the claim submitted by the petitioners before the respondents, to not to dispossess the petitioners from the residential houses in question as the



respondents are hell bent to demolish the residential houses of the petitioners.

AND/Or

Any other order writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case.”

2. Learned counsel for the petitioners has submitted that the petitioners are brothers and petitioner No.1 is retired Army Officer. It is further submitted that the petitioners have been residing in the property in question prior to 1950. It is submitted that they have built their residential house on the said property and that Puran and Sehdev Singh had filed an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, now Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter to be referred as “the Act of 1961”) on 26.03.1990 and the said eviction petition was allowed on 28.02.1991. It is pointed out that in para 3 of the said order, reference was made to the construction which has been made by the petitioners. It is submitted that the appeal against the said order has been dismissed and the order of eviction has attained finality. It is further highlighted that on 12.09.2000, the Block Development and Panchayat Officer, had sanctioned and forwarded the proposal for sale of the land in question vide letter Sr. No.2473-74 dated 12.09.2000 and even the Gram Panchayat had passed a unanimous Resolution No.2 dated 08.07.2001 stating that there is no objection for regularisation/selling of the land to the petitioners. It has been fairly stated that even civil suit filed by the petitioners has been dismissed.

3. Learned counsel for the petitioners has further submitted that the State of Haryana has enacted the Haryana Village Common Lands (Regulation) Amendment Act, 2024, under which, in case the residents of the



village had constructed their house prior to 31.03.2004 and had complied with all other conditions as mentioned in the Act and SOP, then, they were entitled to purchase the property in dispute. It is submitted that although the petitioners have given representation but state that they would file an appropriate application under Section 5A(1A) of the Act of 1961 within a period of two weeks from today to the Gram Panchayat and have prayed that the competent authority of the Gram Panchayat be directed to decide the same in accordance with law. It is further submitted that till the time the final decision is taken, status quo with respect to possession be maintained.

4. Learned counsel for the respondents-State has submitted that in case the petitioners move an application before the Gram Panchayat within a period of two weeks from today, same would be considered in accordance with law.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken by the counsel for the petitioners as well as the counsel for respondents-State, the present writ petition is disposed of with the following observations/directions:-

- i) The petitioners, as undertaken before this Court, would file an application under Section 5A(1A) of the Act of 1961 read with SOP along with all the necessary documents to the Gram Panchayat-respondent No.6 within a period of two weeks from today. In case the said application is filed within the aforesaid period, then respondent No.6-Gram Panchayat would consider the said application filed by the petitioners as expeditiously as possible, preferably within a period of six weeks from the date of filing of the said application.



- ii) In case respondent No.6-Gram Panchayat passes a resolution in favour of the petitioners, then, the said resolution be forwarded in accordance with the settled procedure and the Deputy Commissioner is directed to pass a final order on the same within a period of four months from the date of receipt of recommendation, if any.
- iii) **It is made clear that in case the Gram Panchayat does not recommend the case of the petitioners, then, no further decision would be required to be taken at the end of Deputy Commissioner.**
- iv) **Till the time, the Gram Panchayat does not consider the case of the petitioners, status quo with respect to possession be maintained** and in case Gram Panchayat recommends the case in favour of the petitioners, then, status quo order would continue till the time the final decision is taken by the Deputy Commissioner.
- v) It would be open to the Gram Panchayat-respondent No.6 as well as respondent No.7 to move an application for recalling of the present order in case the said respondents are aggrieved with the present order.
- vi) **It is made clear that the said interim order should not be construed as an expression of opinion on the merits of the case and the authorities would consider the application filed by the petitioners independently, in accordance with law.**

(VIKAS BAHL)
JUDGE

(DIVYA SHARMA)
JUDGE

11.09.2026

Pawan

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No