

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

(230)

CR No.1793 of 2014 (O&M)

Decided on: July 14, 2015.

Subhash Chander

.... Petitioner

Versus

Shiv Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.S. Khurana, Advocate,
for the petitioner.

Mr. S.K. Tripathi, Advocate,
for respondents No. 3 to 5.

M.M.S. BEDI, J (ORAL)

This is a revision petition filed by Subhash Chander against the order dated 25.02.2014, dismissing his application under Order 1 Rule 10 CPC on the ground that plaintiffs are the master of their suit and that he was not a necessary party as no relief is being claimed by the plaintiff-respondents.

With the assistance of counsel for the petitioner, I have gone through the nature of the litigation pending.

The plaintiffs-respondents No.1 to 5 have filed a suit for declaration and permanent injunction against the Sarpanch, Gram Panchayat, Khaleta, Tehsil and District Rewari; State of Haryana through Collector Rewari and Assistant Collector Ist Grade-cum-Sub Divisional Officer (Civil) Rewari claiming that they are owners in possession of the property mentioned in the plaint. Written statement seems to have not been filed by the said defendants but the petitioner claims that the suit has been

filed in connivance with the State authorities and that it is being contested merely to camouflage but there is a collusion between the plaintiffs and the Sarpanch and State authorities and important fact that an application filed by the petitioner under Section 7 of the Punjab Village Common Land Act has been allowed against the plaintiffs and their appeal also stands dismissed, is necessary to be brought to the notice of the Court.

I have heard learned counsel for the petitioner and I am of the opinion that it will be pre mature to form any opinion that the defendants are colluding with the plaintiffs with an objective to surrender the property of the Gram Panchayat which is meant for the use of the villagers, in favour of the plaintiffs-respondents No. 1 to 5. In case the property of Gram Panchayat is being grabbed by the plaintiff-respondents No. 1 to 5, it will be statutory duty of the defendants i.e. Gram Panchayat, Collector and the Sub Divisional Officer (Civil) to protect the property of the State, otherwise, the said conduct on their part may lead to disciplinary proceedings against the officers responsible for the dereliction of the duties. The decree obtained by the petitioner under Section 7 of the Punjab Village Common Land Act pertaining to the property in dispute may be implemented by the petitioner. The petitioner is not a necessary party, but, in the interest of justice, a direction is issued that the suit filed by the respondent Shiv Kumar and others against Gram Panchayat Khaleta, Tehsil and District Rewari and others pertaining to the land alleged to be vesting in Gram Panchayat will be supervised by the District Development and Panchayat Officer and the Collector of the district in order to ensure that there is no collusion to cause prejudice to the land which is claimed to be that of Gram Panchayat by the petitioner. It may be noticed that none appeared before this Court as well on

behalf of respondents No. 6 to 8, Gram Panchayat Khaleta and the State authorities, despite having been duly served.

This revision petition is dismissed at this stage. A copy of the order be sent to the Collector as well as District Development and Panchayat Officer, Rewari for supervising the litigation in order to safeguard the interest of the property which is claimed to be that of Gram Panchayat of village Khaleta, District Rewari.

(M.M.S. BEDI)
JUDGE

July 14, 2015
harsha