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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 2817 OF 2014
Date of Decision : March 23rd, 2015

Panchayati Ram Lila Ground and others

.... Petitioners

Versus

The State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. Kunal Mulwani, Advocate,
for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana,
for respondents No. 1 to 3.

Mr. Shalender Mohan, Advocate,
for respondents No. 4 and 5.

Dr. BHARAT BHUSHAN PARSOON, J.

Order dated 21.2.2014 [Annexure P/14], passed by Sub Divisional Officer [Civil] exercising the powers of Collector, Hissar, whereby application of the respondents, petitioners herein, dated 9.4.2013 for dismissing the petition [Annexure P/9] was dismissed, whereas, application dated 24.4.2013, filed by applicants, Krishna Babbar and Bhim Singh Saini for their impleadment as parties to the petition, was allowed, is under challenge in this revision petition.

2. Instituted by the State of Haryana through Collector, Hissar c/o Tehsildar [Sales], Hisar, now respondents, a petition under Section 4, 5 and 7 of the Haryana Public Premises and Land [Eviction & Rent Recovery] Act, 1972 [for short, "the Act"] claiming that the respondents are in illegal possession by raising construction over the land in dispute, is pending at Hansi for adjudication before the Sub Divisional Officer [Civil] exercising the powers of Collector, Hisar [hereinafter referred to as "the

Authority below”] for getting the land vacated from them.

3. In this petition, it is claimed that the respondents-applicants are having competing interest with the petitioners, which has been concealed in the proceedings. It is urged that a suiter is *dominus litis* and cannot be forced to contest against unwanted parties. It is urged that State of Haryana, which had initiated the proceedings for eviction under the Act, had also opposed the application of the respondents-applicants for impleadment as parties in the proceedings before the concerned Authority below. It is claimed that conduct of other respondents is also contumacious.

4. Merely because the applicants-respondents had earlier filed a Public Interest Litigation [PIL] wherein orders dated 1.12.2012 [Annexure P/1] were passed, which later, on filing of a review petition, were modified to order dated 17.1.2013 [Annexure P/3] does not have any impact on the impugned order because only limited scope of participation in the proceedings pending before the Authority below has been given to them. Relevant portion of the impugned order is reproduced as below :-

“.... Hence their application dated 24.5.2013 is allowed on the basis of merits of case, to the extent that they will extend co-operation only for eviction from said land and will not claim in future for getting any right whatsoever.”

5. Since the matter is being adjudicated on merits and there is not even a whisper against any bias or prejudice, there is nothing with the petitioners to feel tremorized by the impugned order. Even if the claim of the petitioners that they are doing charity is taken to be correct, nature of scope and domain of enquiry before the Authority below does not get impacted because it would be on findings recorded on merits as to whether there is any encroachment on the public premises and only then eviction would follow.

6. Filing of the application of the petitioners-respondents in the proceedings below, dated 9.4.2013, which was dismissed by the impugned order also shows their unexplained anxiety to abort the proceedings before the Authority below, which is conducting the proceedings in accordance

with law.

7. No ground to interfere with the impugned order, in the revisional jurisdiction is made out. Dismissed. Stay granted by this Court vide orders dated 23.04.2014 is, consequently, vacated. The Sub Divisional Officer [Civil] exercising the powers of Collector, Hissar be informed accordingly.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

March 23rd, 2015
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1. Whether Reporters of local papers may be allowed to see the judgment? yes
2. Whether to be referred to the Reporters or not? yes
3. Whether the judgment should be reported in the Digest? yes