

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

**CR No. 757 of 2014 (O&M)
Date of Decision: 12.05.2015**

Mehar Singh and another

.....Petitioners

Vs.

The Gram Panchayat of Village Assan Kalan and others

.....Respondents

2. CR No. 657 of 2014 (O&M)

Krishan Lal and another

.....Petitioners

vs.

The Gram Panchayat of Village Assan Kalan and others

.....Respondents

3. CR No. 750 of 2014 (O&M)

Raju

.....Petitioner

vs.

The Gram Panchayat of Village Assan Kalan and others

.....Respondents

4. CR No. 763 of 2014 (O&M)

Satpal and others

.....Petitioners

vs.

The Gram Panchayat of Village Assan Kalan and others

.....Respondents

5. CR No. 3624 of 2014 (O&M)

Prem Chand and others

----Petitioners

vs.

The Gram Panchayat of Village Assan Kalan and others

----Respondents

6. CR No. 3657 of 2014 (O&M)

Bhulan @ Bhulla

-----Petitioner

vs.

The Gram Panchayat of Village Assan Kalan and others

----Respondents

7. CR No. 4097 of 2014

Krishan Lal

-----Petitioner

Vs.

The Gram Panchayat of Village Assan Kalan and others

-----Respondents

8. CR No. 7833 of 2014

Madan Lal

----Petitioner

Vs.

The Gram Panchayat of Village Assan Kalan and others

---Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Behl, Senior Advocate, with
Mr. Manvender Singh Dalal, Advocate,
for the petitioners
(in CR No. 3624 and 3657 of 2014).

Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Kulwant Singh, Advocate,
for the petitioner (s)
(in CR Nos. 757, 657, 750, 763, 7833 of 2014).

Mr. Ravi Gakhar, Advocate, for
Mr. Jagdish Manchanda, Advocate,
for the petitioner
(in CR No. 4097 of 2014).

Mr. Som Nath Saini, Advocate,
for respondent No. 1.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

SABINA, J.

Vide this order above mentioned petitions would be
disposed of as the controversy involved in all cases is the same.

In Civil Revision No. 757 of 2014, following order was
passed on 09.04.2014:-

*“Plaintiffs/petitioners are in revision against
the order dated 1.11.2013(P-8) passed by the learned
Additional Civil Judge(Sr. Divn.), Panipat whereby their
application for grant of temporary injunction under
Order 39 Rules 1 & 2 CPC has been dismissed; and
the Appellate Order dated 2.12.2013 (P-9) passed by
the learned Additional District Judge, Panipat affirming
the same.*

*The petitioners/plaintiffs have filed a suit for
declaration challenging the resolution dated 23.07.2013
passed by the Gram Panchayat directing the suit land
to be put to open auction with a further relief of*

injunction restraining the respondent-Gram Panchayat from dispossessing the settled possession of the plaintiffs by any coercive means except in due course of law.

It is contended that as per application dated 21.09.1984 (P-1) instituted by the Gram Panchayat under Section 7 of the Village Common Lands Act, 1961 against the father of the petitioners/plaintiffs, namely, Ram Singh, it is evident that they are in alleged illegal/unauthorised possession of the suit land from the period prior to 1981-82 and the said petition has never been decided. Thus, in view of the settled possession though unauthorised, the petitioners are entitled to protection against any coercive eviction.

It is further contended that from the bare reading of the Rapat Roznamcha dated 23.07.2013 (Annexure P-7), it cannot be inferred that the possession of the suit land has been delivered back to the Gram Panchayat in the light of statutory provisions of Para 9.9 of the Punjab Land Record Manual.

Notice of motion for 29.09.2014.

In the meanwhile status quo regarding possession shall be maintained.

Copy of this order be given dasti on payment of usual charges.”

During the course of arguments, it has transpired that the petitioner-plaintiffs have already concluded their evidence before the trial Court. Now the case is listed before the trial Court for defendants' evidence.

In these circumstances, it would be appropriate to confirm the interim order passed by this Court whereby parties were directed to maintain status quo with regard to possession during the

pendency of the suit. Accordingly, parties are directed to maintain status quo with regard to possession during the pendency of the suit. The trial Court is directed to dispose of the trial, expeditiously.

**(SABINA)
JUDGE**

May 12, 2015
nitin