

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

**CWP No.17335 of 1998 (O&M)
Date of decision: 06.08.2015**

Devi Dayal Aggarwal

....Petitioner

Vs.

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present: Mr. Sumeet Mahajan, Sr. Advocate, with
Mr. Amit Kohar, Advocate,
for the petitioner.

Mr. Vikas Bahl, Sr. Advocate, with
Mr. Parvinder Singh, Advocate.
For applicant in CM-3526-27 of 2015.

Mr. Ravi Pratap Singh, AAG, Haryana.
Mr. Ashish Aggarwal, Advocate, with
Mr. Vijay S. Kajla, Advocate,
for respondent No.3-Gram Panchayat.

Rajive Bhalla, J (Oral)

After addressing arguments for sometime counsel for the petitioner states that as a petition under Section 13A of the Punjab Village Common Lands (Regulations) Act, 1961 (herein after referred as, 'the 1961 Act') is pending adjudication before the Collector, the present Petition may be disposed of as withdrawn but it may be ordered that during pendency of the petition under Section 13-A of the 1961 Act, enforcement of the eviction orders, may be kept in abeyance.

Counsel for respondent No.3, Gram Panchayat, submits that as the petitioner has been ordered to be evicted by the Assistant Collector and the Commissioner, mere pendency of a petition under Section 13A of the 1961 Act does not entitle the petitioner to pray that his eviction may be stayed.

We have heard learned counsel for the parties and perused the impugned order.

Admittedly, the Commissioner has passed an order dated 06.08.1998, ordering eviction of the petitioner from the land in dispute. It is not denied by all concerned that the question as to whether the land in dispute vests or does not vest in the Gram Panchayat is pending adjudication before the Collector exercising powers under Section 13A of the 1961 Act. Accepting the statement made by counsel for the petitioner the writ petition is disposed of by affirming the impugned order and directing that during pendency of proceedings under Section 13A of the 1961 Act, the eviction order shall remain in abeyance. Needless to add that in case, the petition under Section 13A, is decided in favour of the petitioner, the eviction order dated 06.08.1998, shall be rendered unexecutable. While deciding the petition filed under Section 13A of the 1961 Act, findings recorded in the eviction orders shall be disregarded. The petition under Section 13A of the 1961 Act shall be decided within three months of the next date of hearing.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

06.08.2015
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