

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

CWP No.10512 of 2014

Date of Decision: 10.03.2015

Virender

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Suvineet Sharma, Advocate
for the petitioner.

Mr. D. Khanna, Addl. Advocate General, Haryana

Mr. Chander Shekhar, Advocate for
Mr. Sandeep Parkash Chahar, Advocate
for respondent No.3.

Rajive Bhalla, J (Oral)

After addressing arguments for some time, counsel for the petitioner fairly concedes that in view of the prohibition contained in the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter to be referred to as “the Act”), as applicable to the State of Haryana, his remedy, was to approach the Collector under Section 13-A of the Act for declaration of title viz-a-viz his land in dispute. Counsel for the petitioner prays that he may be allowed to withdraw the writ petition but it may be clarified that anything recorded in the order passed by the Commissioner, Rohtak Divison, Rohtak, exercising the powers of the Director, Consolidation, Rohtak, may not adversely affect the rights of the petitioner.

We have heard counsel for the parties and as we are satisfied that the remedy available to the petitioner is to approach the Collector under Section 13-A of the Act, relegate the petitioner to availing his remedy under Section 13-A of the Act.

Any observation by the Commissioner, Rohtak Division, Rohtak, who had no jurisdiction under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, to entertain the petition, on the question of title, would not adversely affect the rights of the petitioner in the petition to be filed under Section 13-A of the Act.

(Rajive Bhalla)
Judge

March 10, 2015
vcgarg

(Amol Rattan Singh)
Judge