

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

CWP No.10697 of 2014

Date of decision: 06.08.2015

Ram Chander alias Chander

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Pankaj Mehta, Advocate
for the petitioner.

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

None for respondent No.4.

Rajive Bhalla, J (Oral)

The petitioner prays for issuance of a writ of certiorari, quashing eviction order dated 31.07.2006 and order dated 27.09.2013, dismissing the appeal filed by the petitioner.

The writ petition came up for hearing on 08.08.2014. Notice of motion was issued after recording the following order:-

Having heard learned counsel for the petitioner we are though not inclined to interfere with the finding of fact that the petitioner has encroached upon the Gram Panchayat land measuring 14 marlas where he is said to have constructed a house. However, as the house is said to have been constructed about 40 years back, let notice of motion be issued to the respondents for 03.11.2014 to explore the possibility of selling the subject land to the petitioner by the Gram Panchayat at the current market price in terms of Rule 12 (4) of the Punjab Village Common Lands (Regulation) Rules, 1964, as applicable to Haryana.

On our asking, Mr.S.S.Patter, learned Senior Deputy Advocate General, Haryana, accepts notice on behalf of respondent Nos.1 to 3.

Let three copies of the writ petition be supplied to the learned State counsel during the course of day failing which the writ petition shall stand

dismissed for non-prosecution.

Counter reply, if any, be filed before the date fixed with an advance copy to the opposite counsel.

Let respondent No.4 be served through dasti notice for the date fixed.

Meanwhile, status-quo shall be maintained by both the parties.”

Counsel for the Gram Panchayat made a statement on 15.05.2015 that as the Gram Panchayat has taken possession, there is no question of considering any application under Rule 12(iv) of the Punjab Village Common Lands (Regulation) Rules, 1964, (in short “the 1964 Rules”).

Counsel for the petitioner submits that the Gram Panchayat has merely taken paper possession and as the petitioner remains in actual physical possession of the house, liberty may be granted to file an appropriate application before the Gram Panchayat.

Counsel for the State of Haryana submits that the State has no objection if liberty is granted to the petitioner but the question whether the petitioner is in actual physical possession is to be answered by the Gram Panchayat.

No one has put in appearance on behalf of respondent No.4-Gram Panchayat. The situation was not different on the last date, i.e. 27.05.2015.

We have heard counsel for the petitioner and as notice in the writ petition was issued on a limited issue of granting liberty to the petitioner to approach the Gram Panchayat under Rule 12(iv) of the 1964 Rules, affirm the impugned order but grant liberty to the petitioner to approach the Gram Panchayat by moving an appropriate application, under

Rule 12(iv) of the 1964 Rules. In case such an application/petition is filed, it shall be decided within three months.

Parties shall maintain status quo with respect to possession during this period of three months.

(Rajive Bhalla)
Judge

August 06, 2015
vcgarg

(Amol Rattan Singh)
Judge