

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

**Civil Writ Petition No.1057 of 2015**

**Date of Order: 04.08.2015**

**Mai Dhan and others**

**..Petitioners**

**Versus**

**State of Haryana and others**

**..Respondents**

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

**Present: Mr. P.K.Ganga, Advocate,  
for the petitioners.**

**Ms.Tanisha Peshawaria, DAG, Haryana.**

**Mr. Naresh Kumar, Advocate,  
for respondent no.5.**

**RAJIVE BHALLA, J (Oral)**

The petitioners pray for issuance of a writ in the nature of certiorari, quashing orders dated 12.09.2014 (Annexure P-1), 14.05.2014 (Annexure P-2) and 26.04.2013 (Annexure P-3), passed by the Commissioner, Hisar Division, Hisar, the District Collector, Sirsa and the District Revenue Officer-cum-Assistant Collector Ist Grade, Sirsa, ordering the eviction of the petitioners and dismissing their appeal as well as their revision, respectively.

Counsel for the petitioners submits that the Gram Panchayat sold the land, in dispute, to the petitioners, vide sale deed dated 02.09.1987, but the sale deed was set aside in a civil suit for want of approval by the competent authority. The petitioners have no

objection, if the eviction orders are affirmed but with liberty to the petitioners to approach the Gram Panchayat, under Section 12 of the Punjab Village Common Lands (Regulation) Rules, 1964 (hereinafter referred to as 'the Rules'), for purchase of the land, in dispute.

Counsel for the Gram Panchayat, has filed an affidavit of Murti Devi, Sarpanch, Gram Panchayat Village Jasania, Tehsil and District Sirsa, dated 24.07.2015. A relevant extract from the affidavit reads as follows:-

- “2. That the petitioners constructed their residential houses on the Gram Panchayat land way back in the year 1975 and they are still residing in those houses.
3. That the Gram Panchayat of Jasania have no objection if the petitioners to pay compensation as per provision of Punjab Village Common Land Act, as all the petitioners are residents of the village Jasania since long and they are living in these houses and having all facilities like, street light, water connection, voter card etc.”

We have heard counsel for the parties and in the light of the statement made by counsel for the petitioners and the contents of the affidavit, dated 24.07.2015, sworn by Murti Devi, Sarpanch, dispose of the writ petition by affirming the impugned orders but with liberty to the petitioners to file an appropriate application before the Gram Panchayat, under Rule 12 (iv) of the Rules, for purchase of the land, in dispute. The Gram Panchayat and the authority, which has

to grant approval, shall while considering the application and any resolution that may be passed by the Gram Panchayat, take cognizance of the fact that this land was sold to the petitioners in the year 1987. In case, such an application is filed, it shall be considered and decided in accordance with law, within three months of its filing.

Dispossession of the petitioners shall remain stayed for a period of three months.

The paper book of Regular Second Appeal No.4394 of 2001 has been perused and be returned to the Registry.

**(RAJIVE BHALLA)**  
**JUDGE**

**August 04, 2015**  
**nt**

**(AMOL RATTAN SINGH)**  
**JUDGE**