

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.1158 of 2015
Date of Decision: January 22, 2015

Ajit Lambardar and othersPetitioners
versus
Collector, Bhiwani and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE AMIT RAWAL.

Present:Mr.Mahabir Singh Sidhu, Advocate,
for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners seek quashing of a suit for declaration filed by respondent Nos.3 to 7 before the Collector, Bhiwani under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana (hereinafter referred to as 'the Act').

The principal grievance of the petitioners is that the aforesaid suit is nothing but an abuse of process of law as the controversy regarding title of the land in dispute has already been settled upto the Hon'ble Supreme Court in the case of Gram Panchayat of village Mundhal Khurd versus Amar Singh (dead) by LRs and others, 2000 (10) SCC 644.

Having heard learned counsel for the petitioners and keeping in view the categorical plea taken by them that the identical issue has already been settled upto the Hon'ble Supreme Court, it appears to us that the Collector, before

whom private respondents have instituted the declaratory suit, is obligated to consider the non-maintainability as a preliminary objection within the parameter of Order 7 Rule 11 CPC and decide the same in accordance with law, within a period of three months before proceeding to decide the suit on merits. If need be, the petitioners shall be at liberty to move an appropriate application in this regard.

Ordered accordingly.

Dasti.

(SURYA KANT)
JUDGE

January 22, 2015

Mohinder

(AMIT RAWAL)
JUDGE