

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12716 of 2014 (O&M)

Date of Decision:- 12.10.2015.

Buta Singh

.....Petitioner

Versus

Director, Department of Rural Development and Panchayats, Punjab
and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. A.S. Barnala, Advocate for respondent No.3.

SURYA KANT, J. (ORAL)

1.) The controversy pertains to the possessory rights of the petitioner over the land bearing khasra No.102 which is *abadi deh* situated in the revenue estate of village Tur, Tehsil Khadoor Sahib, District Tarn Taran. Eviction orders have been passed against the petitioner and some other residents of the village at the instance of Gram Panchayat on the premise that the subject khasra number is a pond and, thus, vests in the Gram Panchayat being *Shamlat Deh*.

2.) The petitioner and some other residents have already filed a declaratory petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'Act') seeking declaration of title in their favour. That petition is still pending in the Court of Collector.

3.) In these circumstances, when the title dispute is pending adjudication, we deem it appropriate to dispose of this writ petition with a direction that the execution of the eviction order passed in summary proceedings under Section 7 of the Act may be kept in abeyance till the declaratory petition is decided on merits. However, it would be in the interest of both the parties that the pending proceedings are decided by the Collector, expeditiously. We, thus, dispose of this writ petition with a direction to the Collector to decide the proceedings under Section 11 of the Act within six months.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

October 12, 2015.

sandeep sethi