

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CWP No.124 of 2015

Date of decision: 14.5.2015

Arvind

... Petitioner

versus

State of Haryana and others

... Respondents

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

Present: Mr.Paramvir Singh Sikand, Advocate,
for the petitioner
Mr.D.Khanna, Addl.AG, Haryana
Mr.Arvind Singh, Advocate,
for respondent No.5.
Mr. Parveen Sharma, Advocate,
for respondent No.6
...

RAJIVE BHALLA, J. (Oral)

The petitioner prays for issuance of a writ in the nature of certiorari quashing the order dated 29.5.2012, passed by the Assistant Collector Ist Grade, Bilaspur, the order dated 29.11.2012, passed by the District Collector, Yamuna Nagar, and the order dated 7.3.2014, passed by the Commissioner, Ambala Division, Ambala.

Counsel for the petitioner submits that after the Gram Panchayat withdrew its petition filed under Section 13-A of 1961 Act (hereinafter to be referred as 1961 Act), the petitioner filed a petition under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, claiming title. The Gram Panchayat filed an application

under Section 7 of 1961 Act, for the petitioner's eviction. The petitioner, therefore, filed an application that proceedings initiated under Section 7 of 1961 Act may be kept in abeyance. The application has been dismissed. The appeal etc. have also been dismissed.

Counsel for respondent No.5-Gram Panchayat and private respondent No.6 submit that the impugned orders do not suffer from any illegality. Section 7 and Section 13-A of 1961 Act operate in different fields and as the statute does not prohibit a decision of an application, filed under Section 7 of 1961 Act, during pendency of a petition under Section 13-A of 1961 Act, the writ petition may be dismissed.

We have heard counsel for the parties. Admittedly the petitioner has filed a petition under Section 13-A of 1961 Act, seeking a declaration of title. Admittedly, proceedings under Section 7 of 1961 Act are also pending. The petitioner is aggrieved by orders refusing to keep proceedings initiated by the private respondent under Section 7 of 1961 Act, in abeyance. A perusal of 1961 Act, as applicable to the State of Haryana, reveals that it does not contain any provision prohibiting the continuation of a petition under Section 7 of 1961 Act during pendency of the petition under Section 13-A of 1961 Act. The petitioner's grievance against the orders refusing to keep proceedings under Section 7, in abeyance, cannot be entertained. The writ petition is, therefore, disposed of by directing the Assistant Collector Ist Grade, Bilaspur, and the Collector, Yamuna Nagar, to conclude proceedings

under Sections 7 and 13-A of 1961 Act, respectively, positively within a period of four months from receipt of a certified copy of this order.

The eviction order, if passed, shall not be given effect to till the decision of the petition, filed under Section 13-A of 1961 Act.

(RAJIVE BHALLA)
JUDGE

14.5.2015
pk

(AMOL RATTAN SINGH)
JUDGE