

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.13838 of 2014 (O&M)

Date of decision: 26.11.2015

Jai Pal and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. R.C.Tacoria, Advocate,
for the petitioners.

Mr. Lokesh Sinhal, Addl. AG, Haryana.

Mr. S.S.Momi, Advocate,
for respondent No.3.

SATISH KUMAR MITTAL, J. (Oral)

This petition has been filed for issuance of writ in the nature of certiorari quashing rule 6A of the Punjab Village Common Lands (Regulation Rules, 1964 (as applicable to Haryana) inserted vide notification dated 03.01.2008 and substituted vide subsequent notification dated 29.11.2010 by virtue of the Punjab Village Common Lands (Regulations, Haryana Amendment Rules, 2008 and 2010, which has now again been substituted vide Haryana Government notification No. S.O107/P.A.18/1961/S.15/2013 dated 13.12.2013 vide which Punjab Village Common Lands (Regulations) Rules have been amended and inserted, being ultra-virus of the Punjab Village Common Lands (Regulations) Act, 1961 as well as to ensure that the Gram Panchayat lands are leased out by conducting open auction in terms of Section 5 of the Act read with Rule 6 of the Rules.

Learned counsel for the petitioners states that in para No.6 of the written statement filed on behalf of the State of Haryana it has been stated that Section 5-A of the Punjab Village Common Lands (Regulation) Act, 1961 has also been amended vide notification dated 09.10.2013. The said amendment has not been challenged by the petitioners in the instant petition, therefore, the learned counsel for the petitioners states that let the petitioners be allowed to withdraw this petition with liberty to file fresh one to challenge the said amendment of the aforesaid Rules also.

Learned State counsel has no objection.

Dismissed as withdrawn with the aforesaid liberty.

(SATISH KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

November 26, 2015
mohan