

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 14372 of 2015. [O&M]

Date of Decision: 28th September, 2015.

Ishwar Chand & Anr.

Petitioners through
Mr. Vikram Jeet Singh, Advocate

Versus

State of Haryana & Ors.

Respondents through
Ms. Kirti Singh, Deputy AG, Haryana.
Mr. A.K.Bura, Advocate, for respondent No. 4.

**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?**

SURYA KANT, J. [ORAL]

The petitioners were ordered to be evicted from the land in dispute comprising two parcels measuring 59 kanals 5 marlas and 5 kanals 18 marlas situated at village Nauch, Tehsil & District Kaithal, respectively. Orders were passed under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961, as applicable to the State of Haryana. That eviction order was upheld up to this Court as the petitioners' writ petition challenging the same, i.e., **CWP No. 9346 of 2012** was dismissed by this Court on 17.05.2012. Liberty was, however, granted to file a petition under Section 13-A of the Act to seek declaration of ownership.

The eviction order having attained finality, Gram Panchayat initiated execution proceedings. The petitioners meanwhile filed petition under Section 13-A of the 1961 Act and sought an *ad-interim* stay which was declined. The order declining *ad-interim* stay pending the declaratory petition is the cause of this writ petition.

Learned counsel for the Gram Panchayat states at the bar that much before *status-quo* order was passed by this Court on 20.07.2015, possession of the suit land had been taken by the Gram Panchayat vide Rapat Roznamcha [R4/1] dated 18.05.2015. Thereafter, the land has been handed-over to the Forest Department for plantation vide Resolution No. 2 dated 22.05.2015 [R4/2]. A formal communication was also sent by the Block Development and Panchayat Officer, Kaithal to the Forest Department on 04.06.2015 in this regard.

In view of the categorical plea that possession of the subject land has already been taken by the Gram Panchayat and handed-over to the Forest Department for plantation, the prayer made in this writ petition is rendered infructuous, except to say that let the petition filed by the petitioners under Section 13-A be decided expeditiously and in case they succeed they shall be entitled to restitution of possession.

Disposed of. Dasti.

(SURYA KANT)
JUDGE

September 28, 2015.
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(P.B.BAJANTHRI)
JUDGE