

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.15783 of 2015
Date of Order: 03.08.2015

Gram Panchayat, Taraf Majira, Tehsil Nangal,
District Rupnagar.

..Petitioner

Versus

Davinder Singh and others

..Respondents

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

Present: Mr. Agam Jund Mullanpur, Advocate,
for the petitioner.

RAJIVE BHALLA, J (Oral)

The petitioner's prayer for setting aside interim order dated 21.08.2008 (Annexure P-4), passed by the Commissioner(Appeals), Patiala Division, Patiala, is misconceived, as admittedly the appeal, in which this interim order was passed, has been withdrawn. However, the Financial Commissioner has while deciding a revision filed by the petitioner, taking cognizance of the fact that after obtaining stay order dated 21.08.2008, the private respondents sold the land and then withdrew the appeal, protected the interest of the Gram Panchayat, to the extent possible, by making the following observations:-

“1. The case for declaration of title of the present property is pending before the Ld. Collector under the Punjab Village Common Land Act. Collector should decide it expeditiously and in case it is held in favour of the petitioner Panchayat, then the sale effected by the respondents in favour of Rashpal Kaur Sahota would

automatically come into question and become invalid since they would have sold land which does not belong to them.

2. *That the case of correction of Khasra/Girdwari in the name of Rashpal Kaur Sahota had been dismissed by the Naib Tehsildar, Nangal (exercising the powers of Assistant Collector IInd Grade, Nangal) and in appeal by Ld. Collector and now is pending before the Ld. Commissioner, Patiala Division. It is directed that the Ld. Commissioner, Patiala Division, take note of the previous proceedings and the method used and ensure that similar methods are not used to bypass due process. It is directed that both sides must be heard and a proper speaking order passed after determining the possession at the spot.”*

Admittedly, as the matter is pending adjudication before the authority, exercising power under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, the writ petition is disposed of by directing the authority concerned to dispose of the petition, if not already disposed of, within four months of receipt of a certified copy of this order.

**(RAJIVE BHALLA)
JUDGE**

**August, 03, 2015
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**(AMOL RATTAN SINGH)
JUDGE**