

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.20040 of 2015

Date of Decision: September 21, 2015

Nahar Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MRS.JUSTICE SNEH PRASHAR.

Present: Mr.Talwinder Singh, Advocate, for the petitioners.

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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 though have laid challenge to the order dated 30.04.2008 passed by the Appellate Authority in the case of Rai Singh versus Chiraj Din @ Lela Khan, however, the cause of their real apprehension is the modified stay order passed by this Court in a pending writ petition. According to them, the Gram Panchayat might initiate action for their dispossession from the residential plots allegedly allotted to them being land-less persons of the village and for which they have deposited the allotment price.

Heard learned counsel for the petitioners.

It appears to us that the questions like (i) whether the petitioners were land-less persons; (ii) whether residential plots were allotted to them by the Gram Panchayat in proper manner; (iii) whether they have acquired proprietary rights qua those plots on deposit of sale consideration, etc. etc. are

essentially the questions of facts which can be effectively determined by the Collector in a declaratory petition which the petitioners may file under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961.

We thus, dispose of this writ petition relegating the petitioners to the aforesaid remedy. Keeping in view the apprehension expressed by the petitioners re: their dispossession, it is directed that status-quo re: possession shall be maintained for a period of two months so as to enable them to approach the appropriate forum and then seek the ad-interim stay.

[SURYA KANT]
JUDGE

September 21, 2015
mohinder

[SNEH PRASHAR]
JUDGE