

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.20448 of 2015

Date of Decision: September 24, 2015

Ran Singh and others

.....Petitioners

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Vinod Bhardwaj, 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 claim that the land in dispute was allotted to them as they belong to the categories of Backward Class and Scheduled Castes and were found living 'below poverty line'. The land was allotted in the shape of residential plots where they constructed their residential houses.

The Gram Panchayat admittedly filed an eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') which was allowed by the Collector, Sangrur, somewhere in the year 2007 (P-5).

The petitioners did not challenge that order in appeal allegedly for the reason that the Gram Panchayat had assured not to execute that order. It is further alleged that now the Gram Panchayat is taking active steps to get that order implemented and to dispossess the petitioners from

their residential houses.

The aggrieved petitioners have approached this Court.

Having heard learned counsel for the petitioners, it appears to us that the issues raised by them are disputed questions of facts which they can, if so advised, ventilate before the Appellate Authority. They may seek condonation of delay on the strength of their assertion that the Gram Panchayat had decided not to execute the eviction order. We are sanguine that the Appellate Authority shall consider the prayer of the petitioners for condonation of delay sympathetically and shall make an endeavour to decide the appeals on merits.

The instant writ petition is accordingly disposed of relegating the petitioners to the aforesaid remedy. However, having regard to the fact that the petitioners are said to have constructed their residential houses, it is directed that if they file appeals within two weeks from the date of receiving a copy of the order, status-quo re: demolition of construction shall be maintained till their appeals are decided. It is further directed that the Appellate Authority shall decide such appeals as early as possible and preferably before 31.01.2016.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 24, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE