

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

CWP No. 24834 of 2014. [O&M]
Date of Decision: 05th November, 2015.

Jiwan Ram

Petitioner through
Mr. V.D.Sharma, Advocate

Versus

Commissioner, Hisar Division, Hisar & Ors.

Respondents through
Ms. Kirti Singh, Deputy, AG, Haryana
Mr. S.P.Chahal, 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 petitioner is aggrieved by the orders dated 01.08.2013, 14.11.2013 and 24.09.2014 [P-6 to P-8 respectively]. Vide the first order, he was ordered to be evicted from the plot in dispute pursuant to an eviction petition filed by the Gram Panchayat under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961, as applicable to the State of Haryana, whereas the subsequent orders pertain to the dismissal of his appeal and revision against that eviction order.

[2]. In the summary eviction proceedings, the issue that arose for consideration of the authorities was whether the vacant land behind 'Harijan Chaupal' is a part and parcel of the open rear-yard of the petitioner's house or it was the rear-side of that 'Harijan Chaupal' and, thus, being *shamlat-deh* vested in the Gram Panchayat? The demarcation was conducted and based upon that report, the

authorities came to the conclusion that the petitioner has encroached upon the land of 'Harijan Chaupal'. Eviction order was accordingly passed.

[3]. The petitioner, on the other hand claims that the subject land is situated within the *abadi deh* and is owned by him from the time of his forefathers.

[4]. Since the petitioner is asserting his right qua the land in dispute on the strength of title, he has got an efficacious alternative remedy to seek such declaration of title from the Court of Collector under Section 13-A of the Act.

[5]. We, thus, dismiss the writ petition but with liberty to the petitioner to initiate the above stated proceedings, if so advised. It is directed that the parties shall maintain *status-quo* for a period of three months to enable the petitioner to approach the appropriate forum. The findings in the summary proceedings would not obviously constitute *res-judicata*.

[6]. Disposed of. Dasti.

**(SURYA KANT)
JUDGE**

**November 05, 2015.
dinesh**

**(P.B.BAJANTHRI)
JUDGE**