

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25816 of 2015

Date of Decision:-10.12.2015.

Raj Pal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**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?

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 4 only at this stage. Ms. Kirti Singh, DAG, Haryana accepts notice on their behalf. Let four copies of the writ petition be supplied to her during the course of the day failing which the writ petition shall be dismissed for non-prosecution. Since no final order prejudicial to the interest of respondent No.5 is being passed at this stage, it is not necessary to call upon the said respondent and burden it with avoidable litigation expenses. No reply is required from other respondents as well.

2.) The short grievance of the petitioner in the instant writ petition is that against the order dated 17.3.2015 passed by Collector, Sonapat declaring Gram Panchayat as owner of the suit land and in passing consequential eviction order, he has filed a

statutory appeal under the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to State of Haryana along with stay application. It is further averred that notice has been issued in the appeal as also in the stay application for 11.2.2016 but in the absence of *ad interim* stay, the petitioner apprehends his dispossession.

3.) It is also the petitioner's case that Gram Panchayat intends to carve out residential plots on the suit land and if such an exercise is undertaken, it will cause serious prejudice to the petitioner.

4.) Having regard to the facts and circumstances of the case and the documents relied upon by the petitioner in support of his claim, we are satisfied that it is necessary to direct the parties to maintain status quo at the site. Dispossession of the petitioner shall remain stayed subject to the condition that he will not create third party rights and shall not alter the nature of the land. The *ad interim* stay shall continue till the appeal is decided. The Appellate Authority is further directed to take up the appeal for final disposal either on the date fixed or preferably within one month thereafter.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 10, 2015.

sandeep sethi