

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25934 of 2015

Date of Decision:-11.12.2015.

Joginder Singh and others

.....Petitioners

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. Vineet Chaudhary, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) While the Gram Panchayat has initiated eviction proceedings against the petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 in short ('the 1961 Act') as applicable to the State of Haryana, he has also filed a petition under Section 13-A of the Act seeking declaration of his title qua the subject land. Both the petitions are stated to be pending at the evidence stage. Apprehending his dispossession in the eviction proceedings even before the title petition is decided, that the petitioner has approached this Court.

2.) It appears from the impugned order that the Assistant Collector 1st Grade declined to stay the proceedings under Section 7 of the 1961 Act or to adjourn the same *sine die* till the decision of

proceedings under Section 13-A of the Act as the petitioner did not produce any proof of pendency of the latter proceedings.

3.) Be that as it may, it is undeniable that both the proceedings can continue simultaneously. However, if the eviction order is passed against the petitioner while the proceedings under Section 13-A of the Act are still pending, there would arise a stage to follow the directions issued by this Court vide order dated 4.8.2014 passed in CWP No.723 of 2014 titled **“Ishar Singh and others Vs. State of Haryana and others”** and order dated 18.12.2014 passed in CWP No.24486 of 2014 titled **“Ishar Singh and another Vs. State of Haryana and others”** (P-4 and P-5).

4.) We, thus, dispose of the instant writ petition without expressing any view on merits with liberty to the petitioner to approach the Assistant Collector 1st Grade after the decision of Section 7-A petition, with a prayer to keep the execution of that order in abeyance till his petition under Section 13-A of the Act is decided. If such an application is filed by the petitioner along with proof of pendency of Section 13-A petition, we direct the Assistant Collector, 1st Grade not to give effect to the eviction order without first deciding such application in accordance with law.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 11, 2015.

sandeep sethi