

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26983 of 2015

Date of Decision:-23.12.2015.

Satpal 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. Ashish Aggarwal, Senior Advocate with
Mr. Manvender Dalal, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 4 only at this stage. Mr. Anil Mehta, learned Deputy Advocate General, Haryana accepts notice on their behalf. Let four copies of the writ petition be supplied to the State counsel during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

2.) Since no order on merits prejudicial to the interest of respondent No.5 is being passed, it is not necessary to call upon it to bear avoidable burden of litigation expenses.

3.) The petitioners' grievance is against the interlocutory order dated 15.12.2015 whereby Assistant Collector 1st Grade namely respondent No.4 has fixed the eviction proceedings filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to State of Haryana, on 24.12.2015 for the petitioners' evidence as well as arguments.

4.) Suffice it to mention here that the eviction proceedings were initiated by the Gram Panchayat in the year 2008 but the matter was remanded by the Appellate Authority on 9.4.2012 after observing that question of title is involved and the same should also be decided after giving opportunity of hearing to the parties. The Gram Panchayat went in revision petition which was dismissed in the year 2014 and thereafter only that effective proceedings have commenced. The impugned order has been passed in these proceedings for disposal of the case in a time bound manner. On the other hand, the case of petitioners is that they have already led voluminous documentary evidence comprising revenue record etc. but those documents are missing from the file and might have been lost when the records were summoned by Appellate or Revisional Authorities. It is there case that some reasonable time is needed to obtain copies of those documents and produce the same in evidence again.

5.) Having heard learned counsel for the parties and taking into consideration the totality of circumstances and also keeping in

view the previous directions issued by this Court, we are of the considered view that a little more time deserves to be granted to the petitioners to produce their evidence. Consequently, the Assistant Collector, 1st Grade is directed to accord two opportunities to the petitioners i.e. one in the second week of January, 2016 and the second in the last week of January, 2016 to produce their evidence. Meanwhile, the petitioners are directed to furnish a list of the documents comprising the revenue record which, according to them, is untraceable. The Assistant Collector may summon such record. The Deputy Commissioner, Karnal is directed to issue necessary instructions to the Revenue Authorities to depute a special messenger to produce the record before the Assistant Collector, if need be. The proceedings may finally be decided on or before 15.2.2016.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 23, 2015.

sandeep sethi