

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.3418 of 2015

Date of Decision: February 25, 2015

Jarnail Singh and othersPetitioners
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Balram Singh, Advocate, for the petitioners.
Mr.Mohinder Singh Joshi, Advocate,
for respondent No.4–Gram Panchayat.

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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 impugn the orders dated 24.09.2014 and 22.01.2015 whereby they have been ordered to be evicted from the Gram Panchayat land under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 and their appeal against the eviction order has also been dismissed.

The Gram Panchayat is on caveat.

We have heard learned counsel for the parties and gone through the record.

Both the authorities have categorically held that the petitioners took the land on lease from the Gram Panchayat for a period of one year i.e., for the year 2011-12. The land is measuring 38 kanal 18 marla.

As the petitioners refused to hand-over physical vacant possession despite the expiry of lease period, the Gram Panchayat had to initiate the eviction proceedings.

It is pointed out by learned counsel for the respondent-Gram Panchayat that the adjoining land owned by the Gram Panchayat has been auctioned at the rates ranging from Rs.26,000/- to Rs.35,000/- per acre per year, whereas, the petitioners are enjoying possession of the land in dispute on payment of less than Rs.9000/- per acre per year.

Faced with this, learned counsel for the petitioners submits that since wheat crop has been sown, the petitioners may be permitted to harvest that crop on such reasonable terms and conditions as may be fixed by this Court.

Taking into consideration the totality of circumstances, we dispose of this writ petition in the following terms:-

- (i) The petitioners shall deposit the lease money/user charges @ Rs.26,000/- per acre per year for the period exceeding the original lease period of one year, within a period of one week from the date of receiving a certified copy of this order, before the B.D.P.O., Sanaur, Tehsil and District Patiala, who shall then transmit the same to the Gram Panchayat;
- (ii) If the petitioners comply with the direction No.(i) above, they shall be permitted to retain possession of the subject land till the wheat crop, presently sown, is harvested;
- (iii) If the petitioners fail to deposit the above-stated user charges/lease amount within the stipulated period, the Deputy Commissioner, Patiala and other authorities are directed to

dispossess the petitioners forthwith and hand-over physical possession of the subject land alongwith wheat crop to the Gram Panchayat;

- (iv) The petitioners shall have to give an undertaking before the B.D.P.O., Sanaur, that after harvesting the wheat crop, they shall hand-over peaceful vacant possession of the land to the Gram Panchayat within one week;
- (v) If the petitioners fail to honour direction No. (iv) above, we direct the Senior Superintendent of Police, Patiala, to treat it a case of criminal trespassing on the Gram Panchayat land and proceed against the petitioners in accordance with law.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 25, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE