

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-4964-2015

Decided on : 19.03.2015

Pista Devi

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: **Mr.J.P.Sharma, Advocate, for the petitioner.**

RAJIVE BHALLA, J. (ORAL)

We have heard counsel for the petitioner and perused the impugned orders as well as the paper book.

Admittedly, with respect to the same alleged encroachment, a similar petition filed by a co-villager was dismissed by the Assistant Collector, Ist Grade, Rewari on 26.02.2010. The petitioner's endeavour to reopen this matter by resort to a separate petition, in our considered opinion, has been rightly rejected as in view of an already subsisting quasi judicial determination, the petitioner would be estopped from initiating proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the '1961 Act').

At this stage, counsel for the petitioner prays that as Section 7 of the 1961 Act enables any person to file an eviction

petition and as the petitioner is a resident of the village, liberty may be granted to the petitioner to file an appeal/revision against order dated 26.02.2010 to bring to the notice of the appellate/revisional authority that demarcation reports relied upon by the Assistant Collector, Ist Grade, Rewari, while dismissing the petition filed under Section 7 of the 1961 Act, are incorrect.

In view of statement made by counsel for the petitioners, the writ petition is dismissed but with liberty as prayed.

[RAJIVE BHALLA]
JUDGE

19.03.2015
Shamsher S.Sabharwal

[AMOL RATTAN SINGH]
JUDGE