IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5990 of 2015
Date of Decision: 28.05.2015

Kanwar Bhan

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. A.K. Bura, Advocate
for the petitioner.

Mr. D. Khanna, Addl. Advocate General, Haryana
for respondents No.1 to 7.

Mr. Amardeep Hooda, Advocate
for respondent No.8-Gram Panchayat.

Mr. Vikramjit Singh, Advocate
for respondents No.9 and 10.

Rajive Bhalla, J (Oral)

The petitioner prays for issuance of a writ in the nature of mandamus directing the Commissioner, Ambala Division, Ambala (respondent No.3) to decide the pending revision and the Assistant Collector of the 1st Grade, Kaithal, to decide 64 ejectment applications pending before him for the last many years.

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After considering the pleadings and submissions advanced by counsel for the parties, the following order was passed on 18.05.2015:-

> "A perusal of the affidavit reveals that 65 cases for summary eviction, filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act'), have been pending from 2007. As regards cases where eviction orders have attained finality and there is no stay order from any Court, the respondents do not appear to be serious about evicting the unauthorised occupants. The procedure for eviction after the passing of an order under Section 7 of the Act, is prescribed by Rule 21 of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to Haryana). Rule 21 does not require inviting of objections."

The State of Haryana has filed a reply, admitting the pendency of these petitions but without assigning any reason for the delay.

Be that as it may, as petitions filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, for summary eviction of unauthorised occupants, cannot be kept pending for 8 years, the Deputy Commissioner, Kaithal, is directed to personally ensure that the Assistant Collector, Ist Grade, decides and disposes of petitions pending under Section 7 of the Act, within three months from the date of receipt of a certified copy of this order and in case eviction orders are passed, ensure that the orders are implemented within a month thereafter. The revision petitions pending before the Commissioner, Ambala Division, Ambala, shall also be also decided within a month from the date of receipt of a certified

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copy of this order.

Disposed of accordingly.

(Rajive Bhalla)
Judge

May 28, 2015
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(Amol Rattan Singh)
Judge

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