

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.657 of 2015
Date of Decision: January 15, 2015

Gram Panchayat Muthada KalanPetitioner
versus
State of Punjab and othersRespondents

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

Present:Mr.Baldev S.Sidhu, Advocate, for the petitioner.
Mr.Vikram Bishnoi, AAG, Punjab.

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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)

Notice of motion to respondent Nos.1 to 3 only at
this stage.

On our asking, Mr.Vikram Bishnoi, learned Assistant
Advocate General, Punjab, accepts notice on their behalf.

Let three copies of the writ petition be supplied to
the learned State counsel during the course of day failing
which this order shall be automatically recalled and the writ
petition shall be deemed to have been dismissed for non-
prosecution.

In view of the nature of order which we propose to
pass, there is no need to seek any counter-reply from
respondent Nos.1 to 3 or to serve respondent No.4 at this
stage as no order prejudicial to his interest is being passed.

The petitioner who is Gram Panchayat of village Muthada Kalan, Tehsil Phillaur, District Jalandhar, is said to have filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the 1961 Act'), for eviction of respondent No.4 from the land measuring 31 kanal 10 marla which is stated to be shamlat deh vested in the Gram Panchayat. On the other hand, respondent No.4 is said to have filed a petition under Section 11 of the 1961 Act seeking a declaration of his ownership qua the same land.

While eviction petition filed by the Gram Panchayat is pending before respondent No.2, the declaratory petition filed by respondent No.4 is statedly pending before respondent No.3. Both the above-stated authorities are exercising the powers of Collector under the Punjab Village Common Lands (Regulation) Act, 1961.

Since the issues involved in both the petitions are overlapping and pertain to the same subject property, we are of the considered view that it would be expedient and desirable to entrust both the cases to one officer exercising the powers of Collector. It is stated by learned State counsel that the Divisional Deputy Director, Panchayats is senior out of the two. We, therefore, transfer the petition under Section 11 of the 1961 Act pending before respondent No.3 to the Court of respondent No.2. We further direct respondent No.2 to club both the cases together and decide the same by way of a common order, expeditiously and after affording reasonable opportunities to both the parties to lead their respective evidence. It shall be appreciated if both the cases are decided

within a period of six months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 15, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE