

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6571 of 2015
Date of Decision:-7.12.2015.

Shanti and another

.....Petitioners

Versus

State of Haryana and others

.....Respondent

**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. Vikram Singh, Advocate for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Zorawar Singh, Advocate for respondent No.5.

SURYA KANT, J. (ORAL)

1.) The petitioners have laid challenge to the orders dated 30.7.2004, 10.1.2005. 13.12.2006 and 4.3.2015 passed under the Punjab Village Common Lands (Regulation) Act, 1961 (in short '1961 Act') as applicable to the State of Haryana.

2.) Vide the first order, the petitioners were evicted from the land measuring 15 *kanal* 3 *marla* comprising *khasra* Nos.398, 399 and 400 owned by the Gram Panchayat, the subsequent orders pertain to rejection of their appeal, first revision and second revision

petitions.

3.) The facts are admitted. The petitioners were owners of land measuring 12 *kanal* comprising *hasra* Nos.402 and 403. The Gram Panchayat vide Resolution No.2 dated 11.11.1998 reserved to exchange its land measuring 15 *kanal* 3 *marla* comprising *hasra* Nos.398, 399 and 400 with the above mentioned land of the petitioners. Exchange was permissible with prior approval of the State Government only. Though the parties exchanged the possession, the State Government declined permission and as a result thereof, the exchange could not be finalised. It appears that after the State Government declined to accord permission, the petitioners continued to retain possession of land measuring 8 *kanal* out of *hasra* Nos.398, 399 and 400. The Gram Panchayat, thus, initiated eviction proceedings under Section 7 of the 1961 Act resulting into passing of the impugned orders.

4.) The petitioners' grievance appears to be that their land comprising *hasra* Nos.402 and 403 measuring 12 *kanal* is yet to be returned to them by the Gram Panchayat, rather the same has been utilized for 'common purposes'.

5.) Learned counsel for the Gram Panchayat, on the other hand, submits that land comprising *hasra* Nos.402, 403 measuring 12 *kanal* is already in possession of the petitioners.

6.) Owing to the above stated disputed factual issues but having regard to the petitioners' plea that they can be dispossessed

from the land given to them in exchange only after returning their land measuring 12 *kanal*, we dispose of this writ petition with a direction to the Deputy Commissioner, Kurukshetra, to deploy a team of Officers to be headed by the District Development and Panchayat Officer who shall with the help of Revenue officials carry out the demarcation of land measuring 12 *kanal* comprising *khasra* Nos.402 and 403 and ensure its restoration in favour of the petitioners free from all encumbrances, if already not returned to them. On doing so, the petitioners shall be required to vacate the entire Gram Panchayat land comprising *khasra* Nos.398, 399 and 400. They shall be granted two weeks' time from the date of delivery of possession of their original land to them (if already not delivered) to restore back the possession of Gram Panchayat failing which the penalty as imposed by the Assistant Collector shall be leviable. Let the above stated exercise be undertaken within a period of two months and upto that date, no penalty shall be recoverable from petitioners.

4.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 7, 2015.

sandeep sethi