

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

Date of decision: 14.5.2015

(I) CWP No.69 of 2015

Sukhwinder Singh and others ... Petitioners

versus

State of Punjab and others ... Respondents

(II) CWP No. 84 of 2015

Lakha Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

(III) CWP No. 343 of 2015

Balwant Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

(IV) CWP No. 365 of 2015

Jagjit Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

(V) CWP No. 1110 of 2015

Balbair Kaur @ Dalbir Kaur and another ... Petitioners

Versus

State of Punjab and others ... Respondents

(VI) CWP No.1132 of 2015

Jagir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr.R.S.Chahal, Advocate,
for the petitioners

Mr.Rajinder Goyal, Addl.AG, Punjab,
for respondent No.1.

Mr.N.P.S.Mann Advocate,
for respondent No.4-Gram Panchayat.

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RAJIVE BHALLA, J. (Oral)

By way of this order, we shall decide CWP Nos.69, 84, 343, 365, 1110 and 1132 of 2015, as they relate to the same dispute. Facts are being taken from CWP No.69 of 2015.

The petitioners pray for issuance of a writ in the nature of mandamus to restrain the respondents from dispossessing the petitioners by relying upon Rapat Roznamcha (Annexure P-8).

Counsel for the petitioners submits that the official respondents and the Gram Panchayat initiated eviction proceedings at the behest of and under the influence of respondent No.5, a Cabinet Minister. The eviction proceedings have been decided against the petitioners. The petitioners have filed a petition under Section 11 of

the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter to be referred as the Act, 1961) claiming title which is pending adjudication. The respondents have on the basis of eviction orders recorded paper entries showing that the petitioners have been evicted and are interfering in the petitioners' possession.

Counsel for the Gram Panchayat submits that the petition under Section 11 of the Act, 1961, has also been dismissed on 31.3.2015. The Gram Panchayat has taken possession as is apparent from the Rapat Roznamcha (Annexure P-8), but under the garb of interim order dated 6.1.2015, the petitioners have once again entered possession. The writ petitions may, therefore, be dismissed and the Gram Panchayat may be allowed to take possession.

We have heard counsel for the parties. Admittedly, as on date the petitioners are in possession. The petition, filed by the petitioners, under Section 11 of the Act, 1961, has been dismissed by the Collector, Tarn Taran, on 31.3.2015. The petitioners have a right to file an appeal but as is apparent from the fact are threatened with dispossession.

Consequently, but without expressing any opinion on the rights of the parties or the allegations levelled against respondent No.5, the writ petitions are disposed of by directing parties to maintain status quo with respect to possession for a period of one month, subject, however, to the petitioners' depositing mesne profit as determined, vide order dated 8.12.2011, passed in CWP No.22756 of 2007 (Sukhwinder

Singh and others vs. State of Punjab and others), within a fortnight of receipt of a certified copy of this order.

(RAJIVE BHALLA)
JUDGE

14.5.2015
pk

(AMOL RATTAN SINGH)
JUDGE