

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7147 of 2015

Date of Decision:- 23.04.2015.

Madan Lal and another

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
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. Sunil Agnihotri, Advocate for the petitioners.

RAJIVE BHALLA, J. (ORAL)

The petitioners lay challenge to order dated 25.02.2015, rejecting their application for dismissal of the petition filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter to be referred to as the Act, 1961).

Counsel for the petitioners submits that as the Director, Panchayats has already opined, vide order dated 14.10.2014 that the petitioners are not in unauthorized occupation of any part of the Shamilat Deh, proceedings initiated under Section 7 of the Act are mala fide and should, therefore, have been dropped by the District

Development and Panchayat Officer.

We have heard counsel for the petitioners but are not inclined to entertain the writ petition as the prima facie opinion recorded by the District Development and Panchayat Officer would not bind the petitioners at the time of final disposal of the petition under Section 7 of the Act. This apart, the order passed by the Director Panchayats, cannot prohibit the District Development and Panchayat Officer, from exercising power under Section 7 of the Act and determining whether the petitioners are or are not in unauthorized occupation of the khasra numbers, in dispute. Consequently, we dismiss the writ petition but without prejudice to the rights of the petitioners in the pending proceedings.

The petition under Section 7 of the Act shall be decided within three months from today.

(RAJIVE BHALLA)
JUDGE

(P.B. BAJANTHRI)
JUDGE

April 23, 2015.

sandeep sethi