

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.7543 of 2015 (O&M)

Date of Decision: 20.08.2015

Sarup Singh & Ors.

. . . . Petitioners

VS.

State of Haryana & Ors.

. . . . Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE JASPAL SINGH**

Present: Mr. Jagjit Gill, Advocate for the petitioners

Ms. Kirti Singh, DAG Haryana

Mr. Anil Kumar Lamdhari, Advocate
for Gram Panchayat

SURYA KANT, J. (Oral)

(1) The petitioners were ordered to be evicted from the Gram Panchayat land in the proceedings initiated u/s 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana. Their appeal/revision etc. were also dismissed. Those orders are under challenge in this petition.

(2) On 08.05.2015 when this case came up for hearing, the following order was passed:-

“Counsel for petitioners states that he has been instructed by the petitioners to make a statement that they give up challenge to the eviction orders, provided the Gram Panchayat allows them to remain in possession of, the land in dispute, for a period of 2/3 years on payment of rent prevalent in the area and damages levied by the Assistant Collector 1st Grade, are reduced.

Notice of motion for 18.05.2015, limited to the extent of statement made by counsel for the petitioners.

At this stage, at the asking of the Court, Mr. D.Khanna, Addl. A.G. Haryana, accepts notice on behalf of respondents No. 1 to 4.

The Gram Panchayat-respondent No. 5, be served by dasti process.

The parties shall maintain status quo with respect to the possession till the next date of hearing.”

(3) In deference thereto, learned counsel for Gram Panchayat states that the Gram Panchayat initially agreed to allow the petitioners to retain possession of the land on payment of ₹50,000/- per acre but on persuasion, the amount has now been reduced to ₹30,000/- per acre. The Gram Panchayat is not willing to further reduce the user charges.

(4) The petitioners are apparently reluctant as according to them, the annual user charges demanded by Gram Panchayat are on the higher side. In our considered view, such a question cannot be resolved in these proceedings.

(5) The petitioner's contention that the Gram Panchayat has leased out the land @ ₹12,000/- per acre per annum even if accepted, it does not clothe them with any right to retain possession of land where they have been held to be unauthorized occupants.

(6) In the light of the order dated 08.05.2015 reproduced above, we dismiss the writ petition but subject to the following directions:-

- (i) if the petitioners agree to retain the Gram Panchayat land on payment of annual charges @ ₹30,000/- per acre, the Gram Panchayat may allow them to retain the land for two crop years at the same rate;
- (ii) the petitioners shall be required to deposit the annual lease money for each year in advance;
- (iii) the petitioners shall give undertaking to the Sarpanch of Gram Panchayat as well as BDPO of the area to the effect that immediate on expiry of the lease period and within one week of harvesting the crop, they shall hand over peaceful vacant possession of the land to the Gram Panchayat;
- (iv) The petitioner shall further undertake not to create any third party rights or alter the nature of land in any manner;
- (v) the petitioner are given two weeks' time from the date of receipt of a certified copy of this order, to take a decision.

(Surya Kant)
Judge

20.08.2015
vishal shonkar

(Jaspal Singh)
Judge

