

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 7620 of 2015. [O&M]

Date of Decision: 17th September, 2015.

Joginder Pal

Petitioner through

Mr. A.S.Salar, Advocate

Versus

Commissioner, Ambala Division, Ambala & Ors.

Respondents through

Mr. Anil Mehta, Deputy AG, Haryana.

Mr. R.S.Budhwar, Advocate, for
respondent No. 4.

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

- 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]

The petitioner is aggrieved by the orders dated 16.03.2006, 02.05.2006 and 21.11.2014 [P-2 to P-4 respectively] whereby he has been ordered to be evicted from the subject land in the proceedings initiated by Gram Panchayat of his village Safilpur, Block Bilaspur, District Yamuna Nagar under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961 as applicable to the State of Haryana. His appeal etc. have been dismissed.

One of the plea taken by the petitioner is that a petition seeking declaration of his ownership qua the disputed land has been filed under Section 13-A of the Act and pending that suit, his eviction ought not to have been ordered.

Learned counsel for the Gram Panchayat fairly admits pendency of such proceedings. He, however, submits that the petitioner can not be allowed to enjoy *ad-interim* protection and then prolong those proceedings.

Having heard learned counsel for the parties and considering their rival submissions, we dispose of this writ petition with a direction that execution of the impugned eviction orders shall remain in abeyance till the declaratory suit filed by the petitioner under Section 13-A is decided by the Collector. However, in the interest of justice, the Collector is directed to decide such proceedings as early as possible but not later than six months from the date a certified copy of this order is received. The parties shall be granted limited opportunities to lead their respective evidence. If the petitioner's above stated declaratory suit fails, Gram Panchayat shall be at liberty to execute the impugned orders.

Disposed of. Dasti.

(SURYA KANT)
JUDGE

September 17, 2015.
dinesh

(JASPAL SINGH)
JUDGE