

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.10381 of 2016

Date of Decision: May 24, 2016

Rakam Singh and othersPetitioners

versus

State of Haryana and othersRespondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Anil Ghanghas, Advocate, for the petitioners.

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Whether Reporters of Local papers may be allowed to see the judgment?

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of village Lalpur, Tehsil Naraingarh, District Ambala. They seek a writ of prohibition to restrain the Gram Panchayat from leasing out the agricultural land fully described in the head-note of the writ petition as the same is alleged to be in their possession and eviction proceedings initiated by the Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana (for short, 'the 1961 Act'), are still pending.

There are two judicial orders placed by the petitioners on record. One is passed by the Civil Court, Naraingarh on 26.09.2013 which is based upon the joint statement made by counsel for the plaintiff and the Gram Panchayat to the effect that the petitioner herein shall not be dispossessed except in due course

of law.

We have no reason to doubt that if there is any violation of the undertaking given before the Civil Court, such Court possesses ample powers under Order 39 Rule 2-A CPC read with its inherent power to take remedial steps. The other order is passed by this Court in CWP No.7323 of 2016 which was disposed of on 23.04.2016 after taking notice of the statement made on behalf of the petitioners that the Gram Panchayat is harvesting their wheat crop with the police help and that the petitioners' revision petition in the title suit was dismissed on 06.04.2016 against which they contemplate to institute appropriate proceedings.

Taking notice of the above-mentioned facts, we are not inclined to entertain this writ petition and relegate the petitioners either (i) to approach the Civil Court for appropriate proceedings or (ii) agitate their title dispute before the appropriate forum.

There is nothing on record to hold it conclusively that the suit land is in possession of the petitioners. Be that as it may, such like issues can be resolved either by the authorities under the 1961 Act or by any other fact-finding forum. The petitioners may accordingly approach such appropriate forum.

The writ petition stands disposed of.

**[SURYA KANT]
JUDGE**

May 24, 2016
mohinder

**[A.B.CHAUDHARI]
JUDGE**