

110

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

CWP No.10828 of 2016

Date of decision: May 27, 2016

Nachattar Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: None.

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)

Case has been called twice. No one appears on behalf of the petitioners. In these circumstances, we take up the matter for final disposal.

The petitioners are residents of village Baran, Tehsil and District Patiala. They seek a writ of prohibition to restrain the Gram Panchayat and other respondents from dispossessing them illegally or forcibly, from the subject land as according to the petitioners the Civil Court vide order dated 11.05.2016 (Annexure P-6) has directed the parties to maintain status quo.

The claim of the petitioners is that the suit land is in their possession since the time of their forefathers and it was occupied by their deceased father to make good the deficiency in the allotment of

land at the time when consolidation was carried out. It is further claimed that in the proceedings held under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, which were duly contested by the Gram Panchayat, the deficiency in the land allotted to the petitioners' family was duly established. Hence, the petitioners are entitled to retain the possession. It is also alleged that regardless of the said finding, the Gram Panchayat has filed a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'Act') and without awaiting the outcome thereof, the land is sought to be auctioned on annual lease.

The aforementioned action of the Gram Panchayat prompted the petitioners to approach the Civil Court who vide order dated 11.05.2016 had directed the parties to maintain status quo.

The petitioners claim that in total disregard to the status quo order, the Gram Panchayat and other respondents are adamant to dispossess them.

Having gone through the record including the averments made in the writ petition, we are satisfied that no case for interference is made out, at this stage. We say so for the reasons that firstly, if there is a violation of status quo order issued by the Civil Court, the petitioners have got an effective alternative remedy to initiate proceedings under Order 39 Rule 2A of Code of Civil Procedure, 1908. Such recourse appears to have been adopted by the petitioners, hence, they will be at liberty to pursue the same. Secondly, as per the

Civil court order, the auction stood conducted on 12.05.2016 and possession of the land has been delivered to the highest bidder Kaka Singh. This fact has been duly noticed by the Civil Court while deciding the *ad interim* injunction application. Thirdly, if the petitioners' claim is accepted by the Court of Collector in the proceedings pending under Section 11 of 1961 Act, they shall be entitled to seek consequential benefits including restoration of the possession.

Dismissed.

[SURYA KANT]
JUDGE

[A.B. CHAUDHARI]
JUDGE

May 27, 2016
mahavir