

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

CWP No.1280 of 2016 (O&M)

Date of Decision: 21.01.2016

Mohan Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Ms. Garima Jindal, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) Notice of motion to respondent No.1 only. Ms. Kirti Singh, DAG Haryana accepts notice. In view of the nature of relief sought and the order which we propose to pass, it is not necessary to call upon the private respondents to bear avoidable litigation expenses as no order prejudicial to their interest is being passed on merits.

(2) The petitioner is a resident of Village Buana Lakhu, Tehsil Israna, District Panipat. The only relief sought in this writ petition is to direct the Collector, Panipat to decide the suit filed by the private respondents under Section 13-A of the Punjab Village Common Land (Regulations) Act, 1961 as applicable to the State of Haryana in a time-bound manner.

(3) Suffice it to observe that the private respondents have filed a declaratory suit under Section 13-A of the 1961 Act in the Court of Collector, Panipat claiming their ownership *qua* the suit

land. The said petition was filed on 29.07.2013. The petitioner has alleged that under the order of *status quo* granted by this Court in some other proceedings, the land which is *johad* (pond) is being leveled by the encroachers and in these circumstances the pending suit deserves to be decided at the earliest.

(4) Having regard to the fact that the declaratory suit was instituted in the year 2013 and the Gram Panchayat has already filed its written statement on 28.02.2014, it appears that the pending suit can now be expeditiously decided by giving reasonable opportunities to lead evidence to both the parties.

(5) The writ petition is thus disposed of with a direction to the Collector, Panipat to decide the above-stated suit in accordance with law and preferably within a period of six months from the date of receipt of a certified copy of this order.

(6) Ordered accordingly.

(Surya Kant)
Judge

21.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge