

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

CWP No. 1440 of 2016. [O&M]
Date of Decision: 27th January, 2016.

Kabul Singh	Petitioner through Mr. Harminder Singh, Advocate
Versus	
State of Punjab & Ors.	Respondents through Mr. Rajesh Bhardwaj, Addl.AG, Punjab Mr. V.K.Sandhir, Advocate, for Gram Panchayat, Kamaska.

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 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]

This order shall dispose of CWP Nos. 1440, 1449, 1454 and 1539 of 2016 as the petitioners in all these cases are aggrieved by the orders dated 11.03.2013 and 08.05.2014 [P-2 and P-3], respectively, passed under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961 [in short 'the Act'].

[2]. Vide the first order, the Collector, Amritsar ordered the petitioners' eviction from the subject land situated within the revenue estate of village Kamaska, Tehsil Ajnala, District Amritsar, whereas vide the second order, their appeal against the eviction order has been dismissed by the Appellate Authority under the Act.

[3]. The Collector has also imposed penalty of ₹20000/- per acre per year on the petitioners for the last three years.

[4]. One of the plea taken by the petitioners before this Court is that they have already filed petition under Section 11 of the Act seeking declaration of their ownership-title and pending that petition, execution of the eviction orders would be totally prejudicial as well as premature.

[5]. Learned counsel for the Gram Panchayat on the other hand relies upon an interlocutory order dated 05.05.2015 passed by this Court in **CWP No. 2218 of 2014** wherein it is observed that

ownership of the land in dispute was got altered for extraneous considerations, which has led to initiation of criminal prosecution as well.

[6]. We have heard learned counsel for the parties at a considerable length and perused the record with their able assistance. It appears to us that since the title dispute is pending between the parties, it is not expedient for this Court to express any views on the allegations or counter-allegations. Suffice it to say that the interest of the Gram Panchayat can be well safe-guarded with a direction that in case the proceedings under Section 11 are still pending, the petitioners shall be required to furnish 'adequate security' to the satisfaction of the Collector, Amritsar in lieu of the penalty imposed on them in the eviction proceedings, and also for the future period till the said proceedings are decided. As soon as the petitioners furnish the adequate security to his satisfaction, the Collector shall proceed with the petition[s] filed under Section 11 of the Act and dispose of the same in accordance with law, preferably within six months.

[7]. Subject to the petitioners furnishing adequate security as directed above, the eviction orders shall be kept in abeyance.

[8]. Disposed of. Dasti.

**(SURYA KANT)
JUDGE**

**January 27, 2016.
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**(P.B.BAJANTHRI)
JUDGE**