

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

CWP No.16725 of 2015

Date of decision: April 12, 2016.

Satbir Singh and another

... **Petitioners**

v.

The Collector, Jhajjar and another

... **Respondent s**

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

Present: Shri Mahavir Sandhu, Advocate, for the petitioners.

Ms. Kirti Singh, Advocate General, Haryana.

Shri S.P. Chahar, Advocate for respondent No.2.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral):

The land in dispute is measuring 4 bighas and 15 biswas, i.e., about one acre, situated within the revenue estate of village Kiloi, Tehsil and District Jhajjar. The Gram Panchayat filed an eviction petition against the petitioners in respect thereto, but it was dismissed on the plea that there is a title dispute between the parties. Thereafter, the inhabitants of the village filed a suit for declaration under Section 13 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, seeking declaration to the effect that the subject land vests in the Gram Panchayat. Unfortunately, the title dispute has not been decided so far between the Gram Panchayat and the petitioners. Meanwhile, a fresh eviction petition was filed, which resulted into passing of an eviction order

against the petitioners. That order is under challenge in appeal.

The only question that requires adjudication in these proceedings is whether, notwithstanding the different rounds of litigation, the petitioners' possession over the suit land deserves to be protected till their appeal is decided?

In our considered view, since the petitioners are enjoying the fruits of the suit land in their possession, they are liable to furnish adequate security to the satisfaction of the Collector, Jhajjar so that in the event of rejection of their claim, the Gram Panchayat can be suitably compensated for the period during which it would stand deprived of the possession over the suit land.

We, thus, dispose of the writ petition, without expressing any views on claim and counter claim of the parties, with a direction to the petitioners to furnish security @ Rs.25,000/- per year for the years 2014-15, 2015-16 and 2016-17. The security shall be furnished within one month of receipt of copy of this order. In case the petitioners succeed, the security amount shall be returned to them. However, in the event of dismissal of their claim, the same shall be released in favour of the Gram Panchayat.

Subject to furnishing security, dispossession of the petitioners shall remain stayed till the matter is decided by the competent authority.

Petition stands disposed of.

[**Surya Kant**]
Judge

[**A.B. Chaudhari**]
Judge

April 12, 2016.