

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.213 of 2015

Date of Decision:-19.01.2016.

Prem Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**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?

Present: Mr. Harmandeep Singh Sullar, Advocate for
the petitioners.

Mr. K.K. Gupta, Additional A.G. Punjab.

Ms. Monika Jalota, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) The petitioners have laid challenge to the orders dated 13.2.2013 and 29.10.2014 whereby the Collector, Patiala ordered their eviction under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (in short 'the 1961 Act') and appeal against that order has also been dismissed by the Appellate Authority.

2.) Learned counsel for the respondent No.4-Gram Panchayat points out that possession of the suit land has already been taken by the Gram Panchayat. Meanwhile, the petitioners filed

a petition under Section 11 of the 1961 Act for declaration of their title but the same was withdrawn on 19.5.2015. Since the question of title raised by the petitioners can be effectively gone into only in the proceedings under Section 11 of the 1961 Act, we grant them liberty to initiate such proceedings in accordance with law. If any such petition is filed by the petitioners within a period of two months and if it is maintainable, we direct the Competent Authority to dispose of the same expeditiously and preferably within one year.

3.) With these observations, the writ petition shall stand disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 19, 2016.

sandeep sethi