

CWP No. 26254 of 2014. [O&M]
Date of Decision: 28th January, 2016.

State of Haryana & Ors. Respondents through
Ms. Kirti Singh, Deputy AG, Haryana
Mr. C.B.Goel, Advocate, for respondent No. 13.
Ms. Supriya Garg, Advocate, for respondent No. 11.

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“[i] To identify officials who were complicit in these action, and get appropriate disciplinary proceedings initiated against them for imposition of a major penalty on them.

[ii] Registration of a criminal case may also be explored to identify any mala-fide action and collusion on part of the officials concerned and initial applicants concerned of the partition proceedings;

[iii] To also ensure that the Gram Panchayat gets appropriate rental value for the land thus un-authorisedly occupied by the petitioners for the period of such illegal occupation”.

[3]. Since the authorities took no action in the matter, that the petitioners have sought implementation of the F.C.R's order as well as registration of FIR against the private respondents.

[4]. The beneficiaries of the sale-transactions have also filed a cross-case, i.e., **CWP No. 27 of 2015 [Smt. Poonam Aggarwal & Ors. Vs. The Financial Commissioner, Haryana & Ors.]** challenging the Financial Commissioner's order. The said writ petition has been dismissed by a separate order of even date.

[5]. Adverting to the case in hand, the Deputy Commissioner, Yamuna Nagar was asked on 21.12.2014 to file a status report regarding compliance of the Financial Commissioner's order. It was further observed on 24.03.2015 that if the sale deeds were executed in respect of the land recorded as *shamlat-deh/gav-charand*, then the status report must also disclose whether the land was sold by the Gram Panchayat and if so, whether prior permission of the State Government was obtained.

[6]. Thereafter, the case has been adjourned from time to time to enable the District Administration to comply with the directions issued by the Financial Commissioner and submit the compliance report.

[7]. The Deputy Commissioner, Yamuna Nagar filed the first status report on 23.12.2015 stating that FIR No. 293 dated 19.12.2015 has been got registered by the Block Development and Panchayat Officer, Bilaspur under Sections 420/120-B, 465 IPC etc. against twelve persons who were suspected to be involved and that permission from Additional Chief Secretary had been sought to initiate disciplinary and criminal proceedings against some of the revenue officials. It was further stated that 15 ejectment petitions were filed by the Gram Panchayat, out of which ten stood decided by the Assistant Collector 1st Grade, vide order dated 18.12.2015. Learned State Counsel, on instructions, states that remaining five petitions have also been decided in favour of the Gram Panchayat on 24.12.2015.

[8]. The Deputy Commissioner, Yamuna Nagar has filed the second status report dated 12.01.2016 wherein it is emphasized that the role of vendors and vendees of the *shamlat-deh* land is also being looked into.

[9]. We have heard learned counsel for the parties and gone through the record. It may be seen that pursuant to the repeated directions issued by this Court, the District Administration has swung into action and some visible steps appear to have been taken. Suffice it would thus be to further direct that as soon as the eviction orders attain finality and/or if there is no stay by the superior Court, it shall be the responsibility of the Deputy Commissioner, Yamuna Nagar to restore possession of the land in favour of Gram Panchayat. Similarly, the inhabitants/proprietors of the village who

manipulated the entries in revenue records and/or got changed the entries in the revenue record in their favour, as well as the officials who apparently colluded with them are liable to be dealt with in accordance with law. The case of subsequent vendees, nonetheless would be distinguishable though their title may be totally defective and incurable. In other words, the *bona-fide* purchasers need not be unnecessarily implicated in the criminal case irrespective of the fact that their right, title or interest in the suit land is totally imperfect. The possession of the Gram Panchayat land, if there is no legal impediment, has to be restored immediately after the *Rabi* crop is harvested.

[10]. Similarly, the damages/user charges imposed by the Assistant Collector be recovered as arrears of land revenue within six months.

[11]. Disposed of. Dasti.

(**SURYA KANT**)
JUDGE

January 28, 2016.
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(**P.B.BAJANTHRI**)
JUDGE