

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.3484 of 2016
Date of Decision: February 23, 2016

Karam Chand and othersPetitioners

versus

State of Haryana and othersRespondents

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

Present: Mr.Rajesh Bansal, Advocate, for the petitioners.

-.-

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)

The petitioners are residents of village Dayalpur, Tehsil Thanesar, District Kurukshetra. Their case is that 100 square yards plots were allotted to them and several other residents of their village, living below poverty line, way back in the year 1987 and registered Gift Deeds were also executed in their favour. Most of them are said to have raised temporary/permanent constructions on the allotted plots. They further allege that in the year 2012-2013, the Gram Panchayat attempted to dispossess them forcibly, hence most of them filed civil suits in which injunction decrees have been passed. The appeal(s) filed by the Gram Panchayat was/were also dismissed. Now, the B.D.P.O., Thanesar has filed a petition under Section 10-A of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') as applicable to the State of Haryana, for cancellation of registered Gift Deeds.

The aggrieved petitioners seek quashing of the above-stated petition dated 04.11.2015 (P-6).

We have heard learned counsel for the petitioners who vehemently contends that the impugned petition is highly belated; barred by limitation and is an abuse of process of law. It is also contended that no fact-finding enquiry was made before initiating the impugned proceedings against 122 residents of the village, most of whom were fully eligible for such allotment.

Having heard learned counsel for the petitioners, we are of the considered view that the multiple objections raised by the petitioners against maintainability of the proceedings initiated under Section 10-A of the 1961 Act can be effectively raised by them before the Assistant Collector, 1st Grade, Thanesar, who is the Competent Court to decide the same. Suffice to observe that the petitioners are entitled to raise all the preliminary issues as well as their stand on merits and the said Court of Assistant Collector, 1st Grade shall be obligated to formulate specific issues in respect of such objections and determine the same in accordance with law.

With liberty afore-mentioned, the writ petition stands disposed of.

Dasti.

[SURYA KANT]
JUDGE

February 23, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE