

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5486 of 2016

Date of Decision:-21.3.2016.

Sita Ram and others

.....Petitioners

Versus

State of Haryana 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. Saurav Khurana, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 5 only. On our asking, Mr. Gaurav Goel, Assistant Advocate General, Haryana accepts notice on their behalf. Let two copies of the writ petition be supplied to the learned State counsel during the course of the day failing which the writ petition shall stand dismissed for want of prosecution.

2.) Since no order is being passed prejudicial to the interest of private respondents or the Gram Panchayat, it is not necessary to call upon them at this stage.

3.) The short relief sought by the petitioners in the instant writ

petition is to restrain the respondents from dispossessing them from the land fully detailed out in the head-note of the writ petition situated within the revenue estate of Village Dahsira, Tehsil and District Sonapat as the statutory appeal and revision petition preferred by them under Section 7 and 13 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to State of Haryana are pending consideration before the Commissioner, Rohtak Division and Financial Commissioner, Revenue, Haryana, respectively.

4.) An identical issue in respect of the same area was raised in **CWP No.25816 of 2015** which was disposed of on 10.12.2015 in the following terms:-

“4.) Having regard to the facts and circumstances of the case and the documents relied upon by the petitioner in support of his claim, we are satisfied that it is necessary to direct the parties to maintain status quo at the site. Dispossession of the petitioner shall remain stayed subject to the condition that he will not create third party rights and shall not alter the nature of the land. The ad interim stay shall continue till the appeal is decided. The Appellate Authority is further directed to take up the appeal for final disposal either on the date fixed or preferably within one month thereafter.”

5.) The instant writ petition is also disposed of in the above terms with a direction that let *status quo* re : possession be maintained till the above stated appeal and revision petition are

decided. However, the petitioner shall not create any third party rights and shall not alter the nature of the land. The Appellate and the Revisional Authorities are further directed to decide the appeal and revision petition as early as possible but not later than three months.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

March 21, 2016.

sandeep sethi