

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5549 of 2016
Date of Decision:-22.3.2016.

Pala Ram and another

.....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. H.S. Grewal, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

1.) Notice of motion to respondent Nos.1 to 3 and 5 only. On our asking, Mr. Pawan Gaur, learned Deputy Advocate General, Haryana accepts notice on their behalf. Let four 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 on merits which might be prejudicial to the interest of respondent No.4-Gram Panchayat, it is not necessary to call upon it at this stage.

3.) The relief sought in the instant writ petition is that

dispossession of the petitioners be stayed till their appeal is heard by the Commissioner, Ambala Division which they have filed against the order dated 8.12.2015 vide which the Collector, Kaithal has declined to grant them *ad interim* injunction in a declaratory suit filed under Section 13-A of the Punjab Village Common (Lands) Regulation Act, 1961 as applicable to State of Haryana.

4.) Heard learned counsel for the parties.

5.) Since the Collector has not found any *prima facie* case in favour of the petitioners but at the same time, their dispossession would, in a way, render the proceedings infructuous, we dispose of this writ petition with a direction that let *status quo* re : possession be maintained till the appeal is decided by the Commissioner Ambala Division subject to the condition that the petitioners shall deposit a security of ₹ 20,000/- per acre with the Collector, Kaithal within two weeks for the crop year 2015-16 onwards. In case the petitioners' appeal is dismissed, the aforementioned amount shall be released in favour of the Gram Panchayat for the estimated losses suffered by it as a result of retention of possession of the suit land by the petitioners.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 22, 2016.

sandeep sethi