

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 3050 of 2015

Date of Decision: 31.10.2017

GRAM PANCHAYAT OF VILLAGE UCHA TEHSIL AND DISTT
KAPURTHALA

-PETITIONER

VS

AMARJIT SINGH (DECEASED) THRU LRS AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has prayed for quashing of the order dated 19.01.2015 passed by Civil Judge (Junior Division), Kapurthala whereby the application for setting aside the proceedings before the trial Court in view of pendency of SLP with interim order before the Hon'ble Supreme Court was dismissed.

[2]. Rights qua allotment of land in favour of Balwant Lal and Vishnu Mal on the basis of slips dated 03.12.1981 and 10.12.1984 were considered in the light of observations made by the Apex Court in **Gram Panchayat, Jamalpur vs Malwinder Singh, AIR 1985 Supreme Court 1934** wherein it was held that share of Muslims evacuees in Shamlat land will not vest with the custodian and will continue to be Shamlat deh.

[3]. Thereafter, State of Punjab amended the Act by Act

No.8 of 1995, amending the Punjab Village Common Land (Regulation) Act, 1961 to protect the transfer made prior to decision of the Hon'ble Apex Court. The validity of the amending Act was challenged before the High Court in Gram Panchayat, Kumkalan vs State of Punjab and others and the validity of the statute was upheld in view of **Kumkalan vs State of Punjab and others, 2010(3) RCR (Civil) 729.**

[4]. Only a symbolical possession was given to the prospective allottees on 09.08.1997. Thereafter, Sub Divisional Magistrate, Kapurthala cancelled the allotment of Balwant Lal and Vishnu Mal vide order dated 10.07.1998.

[5]. A Civil Writ Petition No.13042 of 1998 was filed by the subsequent vendees from Balwant Lal and Vishnu Mal. The CWP was allowed on 09.09.2011 on the basis of ratio of Malwinder Singh's case (supra) on the ground that the vendors of the petitioners of the writ petition were allotted land prior to the cut off date i.e. 09.07.1989.

[6]. Against the judgment dated 09.09.2011 passed in CWP No.13042 of 1998, the Gram Panchayat filed SLP No.30979 of 2011 wherein both the parties were directed to maintain *status quo* prevailing as on date and SLP was ordered to be tagged with SLP (C) No.24224 of 2010. The order was passed on 25.11.2011. The said SLP is still pending before the

Hon'ble Apex Court.

[7]. Thereafter, civil suit was filed by the subsequent vendees-respondents No.1 and 2 in the civil Court. The prayer made in the suit is to the effect that the present suit for possession restraining the defendants from putting the land in question to auction by the Gram Panchayat on the basis of order of *status quo* granted by the Supreme Court. Once the order of *status quo* has already been granted by the Supreme Court, it appears that prima-facie there is no scope for proceeding with the suit proceedings.

[8]. The present revision petition was admitted on 23.02.2016 with an interim order of stay of proceedings before the trial Court.

[9]. Perusal of the record reveals that there is no representation on behalf of the respondents despite service.

[10]. In view of facts and circumstances of the case, this revision petition can be disposed of by staying the proceedings before the trial Court till final adjudication of SLP No.24224 of 2010 before the Hon'ble Apex Court.

[11]. Disposed of.

31.10.2017

jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No