

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

**CWP No.12767 of 1999 (O&M)
Date of Decision:01.02.2017**

Babu Ram and others

.....Petitioners

Vs.

Gram Panchayat, Bhuavi and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present:- Mr. Avnish Mittal, Advocate for petitioners No.2 to 4,
12, 13, 15 to 17, 21, 26, 28 to 30, 32, 34, 36, 38 to 40,
45 and 48 to 51.

Mr. Vaneet Soni, Advocate for respondent No.1.

Mr. Deepak Balyan, Addl. AG, Haryana for respondents
No.2 and 3.

SURYA KANT, J.(Oral)

C.M. No.11730 of 2016

This is an application for early hearing of the main case.

With the consent of learned counsel for the parties, the main
case is taken on Board for final hearing.

CM stands disposed of.

CWP No.12767 of 1999

The petitioners are residents of Village Bhuavi, Tehsil
Thanesar, District Kurukshetra. They have challenged the orders dated
29.9.1998, 24.5.1999 and 20.7.1999 whereby they were ordered to be
evicted from the land in dispute pursuant to the eviction proceedings

initiated by the Gram Panchayat of their Village under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act') as applicable to the State of Haryana.

The petitioners filed appeal and revision petition against the eviction orders but those were also rejected by the Appellate and Revisional Authorities. All those orders are under challenge in the instant writ petition.

It is not necessary to dwell upon the facts in detail and it would be suffice for the disposal of this writ petition to mention that the petitioners have meanwhile filed suit under Section 13-A of the Act seeking a declaration that the proprietors of the Village are the true owners of the land in dispute or that the same being not 'Shamlat Deh', does not vest in the Gram Panchayat. It appears that though these declaratory proceedings have been twice decided in favour of the Gram Panchayat but after the matter was remanded, the suit is still pending before the Collector, Kurukshetra. It further appears that unless the title dispute between the parties is decided, the eviction orders which are under challenge in this writ petition cannot be permitted to be executed.

Consequently, we dispose of this writ petition with a direction that the execution of the impugned eviction orders shall be kept in abeyance till the title dispute pending before the Collector under Section 13-A of the Act is decided in accordance with law. If the title dispute is decided against the petitioners, the Gram Panchayat shall be at liberty to seek execution of the eviction order subject to such orders which may be passed by the Appellate or Revisional Authorities in the matter of declaratory suit. However, if held otherwise, the eviction proceedings shall be deemed to

have become infructuous.

It shall be appreciated if the Collector decides the Section 13-A proceedings at the earliest and preferably within two months.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

01.02.2017
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No