

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

Varinder Singh
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Punjab & Haryana High Court at
Chandigarh

CWP No. 11574 of 2017 (O&M)

Date of decision: 24.5.2017

Avtar Singh and others

.. Petitioners

VS

State of Punjab and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Ramendra Jain

Present: Mr. Hardeep Singh, Advocate, for the petitioners.

Rajesh Bindal, J.

The prayer made in the present writ petition is for a direction to the respondents not to dispossess the petitioners from the land in dispute till such time the application filed by them under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act'), is decided by the Collector.

Learned counsel for the petitioners submitted that initially the application under Section 11 of the Act was dismissed by the Collector as the petitioners failed to deposit mesne profits. In appeal the order was set aside by the Commissioner and the petitioners were directed to deposit ₹ 25,000/- per acre in the account of the Gram Panchayat. The matter was remitted to the Collector. The petitioners have already deposited the amount. However, the petitioners are sought to be dispossessed from the land. It is not disputed that no application for interim stay was filed by the petitioners before the Collector with whom the application under Section 11 of the Act is pending.

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Considering the aforesaid facts, in our opinion, once the petitioners had not even approached the Collector for interim relief, which is sought to be claimed in the present writ petition, we relegate the petitioners to avail of their remedy before the Collector first and only in case still their grievance survive, they can approach the higher authorities.

The petition stands disposed of.

(Rajesh Bindal)
Judge

24.5.2017
vs

(Ramendra Jain)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No