IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15811 of 2016 (O&M)
Date of decision : 8.3.2017

Karnail Singh and others .. Petitioners

versus

State of Haryana and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Robin Dutt, Advocate, for the petitioners.
Mr. Abhinash Jain, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The only grievance of the petitioners is that though in petition filed by the Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act'), their eviction has been ordered, however, the suit filed by them under Section 13-A of the Act is pending before the Collector. The only prayer is that since the title dispute is pending before the Collector, during the pendency thereof, eviction proceedings be kept in abeyance. Reference can be made to order passed by this Court in CWP No.17166 of 2016—Jagmal Singh @ Jagmal vs. State of Haryana and others, decided on 1.2.2017.

Learned counsel for the State did not dispute the aforesaid factual position.

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After hearing learned counsel for the parties, in our view, eviction order passed against the petitioners deserves to be kept in abeyance, till such time the dispute regarding title to the property is decided by the Collector. In case the petitioners fail in the suit, the Gram Panchayat shall be at liberty to execute the eviction order subject to the petitioners' availing their remedy against the order passed by the Collector.

Ordered accordingly.

It would be in the interest of justice, if the Collector decides the dispute regarding title of the property within a period of six months from the next date of hearing.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

8.3.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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