

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18519-2015

Date of Decision: August 31, 2017

Balkar Singh

.....Petitioner

Versus

Director Rural Development and Panchayat Department, Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.R.S.Chauhan, Advocate
for the petitioner.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.
Mr.Arun Takhi, Advocate
for respondent No.3.

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SURYA KANT, J.

Counsel for the petitioner asserts that the land in dispute belongs to Gurudwara Parbhandhak Committee, who has leased out the same to him. On the other hand, the Gram Panchayat has obtained eviction order under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for brevity, 'the 1961 Act'), on the premise that the land in dispute vests in it.

[2] Learned counsel for the petitioner states that since the title dispute as to whether the land in question vests in Gram Panchayat or is owned by Gurudwara Parbhandhak Committee has not been adjudicated in the summary eviction proceedings, he intends to file a declaratory petition

under Section 11 of the 1961 Act for determination of the title dispute. Let the petitioner or Gurudwara Parbhandhak Committee file such a petition in the Court of Collector, who shall decide the same independently and without being influenced by the findings, if any, given in the eviction proceedings decided under Section 7 of the 1961 Act.

[3] With a view to enable the petitioner or Gurudwara Parbhandhak Committee to file the petition under Section 11 of the 1961 Act, it is directed that the parties shall maintain status quo at the site for a period of one month. Thereafter the petitioner shall be at liberty to seek further ad-interim injunctions from the Court of Collector.

[4] Disposed of.

(SURYA KANT)
JUDGE

August 31, 2017
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(SUDHIR MITTAL)
JUDGE

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No