

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16849 of 2017

Date of Decision: August 01, 2017

Chander and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Jatin Hans, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

Pursuant to an application filed by the respondent-Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, the petitioners were ordered to be evicted from the land in dispute and their appeal and revision petition have also dismissed. The authorities below while deciding the matter have relied upon the judgment dated 19.12.2013 passed by this Court in RSA No.741 of 1990 which was an appeal filed by the respondent-Gram Panchayat against the predecessors-in-interest of the petitioners. In the said judgment, this Court has held that the petitioners or their predecessors-in-interest were not in possession of the suit land as tenants. In other words, the possession was held to be of unauthorized nature. The predecessors-in-interest of the petitioners were directed to pay mesne profits to the tune of Rs.10.00 lacs as a lump-sum payment.

In the light of the said findings, it appears that the authorities have rightly ordered ejectment of the petitioners through summary proceedings. However, the eviction order does not preclude the petitioners

from raising the question of title and seek such a declaration in their favour

by way of a suit under Section 13-A of the 1961 Act. The writ petition is accordingly dismissed but with liberty to the petitioners to file such a suit.

[SURYA KANT]
JUDGE

August 01, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No