

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17634 of 2017.

Date of Decision: August 09, 2017

Surjit Singh and others

.....Petitioners

versus

Commissioner, Ambala Division, Ambala and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Pankaj Jain, Advocate, for the petitioners.

Mr.Amarjit Markan, Advocate, for the caveator-respondents.

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Surya Kant, J. (Oral)

The petitioners are residents of village Chhajju Majra, Tehsil Naraingarh, District Ambala. The land in dispute measuring more than 100 acres is in their possession. Since the Gram Panchayat started asserting its title qua the said land, the petitioners, including the Sarpanch of Gram Panchayat, filed a joint petition under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, seeking declaration of their title over the land in dispute. Their suit-cum-petition was dismissed by the Collector, Ambala vide order dated 18.11.2016, against which they have filed appeal before the Commissioner, Ambala Division, Ambala. The Appellate Authority initially granted ad-interim stay but vide the impugned order dated 23.05.2017 the stay has been vacated without assigning any reason and the appeal has been listed for hearing on 25.10.2017. The aggrieved petitioners are before this Court.

[2] Since Sarpanch of the Gram Panchayat has joined hands with the petitioners, the interest of the Gram Panchayat is being looked after by

is on caveat.

[3] We have heard learned counsel for the parties and gone through the record.

[4] It appears that if the Gram Panchayat succeeds in dispossessing the petitioners from the suit land during the pendency of their appeal, it would, in a way, render the appeal infructuous. The petitioners' possession till the decision of the appeal thus deserves to be protected. Ordered accordingly. At the same time, one cannot over look the fact that if the land is found to have vested in Gram Panchayat, the petitioners are liable to compensate the Gram Panchayat for the loss it is bound to suffer due to retention of its possession by the petitioners. It would be thus in the interest of justice and equity to direct the appellants before the Commissioner, Ambala Division, to deposit a sum of Rs.20,000/- per acre in the Court of Collector at Ambala within one month. The Collector shall keep the amount in FDR in a Nationalised Bank. In case the petitioners fail to establish their title, the amount so deposited alongwith interest shall be released in favour of the Gram Panchayat. However, if the appellants before Commissioner, Ambala Division succeed and are held to be owners of the land in dispute, the deposited amount has to be refunded to them.

[5] The afore-stated amount is only for the crop year 2016-17, namely, upto harvesting the current *kharif* crop. The Commissioner, Ambala Division, is directed to decide the appeal on the date fixed i.e., 25.10.2017 and/or in any case before 30.11.2017. In the event of the decision goes against the petitioners and if they want to avail further remedy, they shall be liable to deposit user charges for the season of Rabi-2017 and Kharif-2018 also at the same rate of Rs.20,000/- per acre, within one month from the date

of passing of the order by the Commissioner, Ambala Division, Ambala. In the event of non-deposit, the contesting respondents shall be at liberty to seek vacation of the ad-interim stay.

Ordered accordingly.

Let a copy of this order be given dasti to learned counsel for the petitioners during the course of day, under the signatures of the Bench Secretary and on payment of usual charges.

[SURYA KANT]
JUDGE

August 09, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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