

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18595 of 2017.

Date of Decision: August 21, 2017

Sakir 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.Pardeep Sehrawat, Advocate, for
Mr.Amit Jain, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners seek quashing of the very eviction petition filed against them by Gram Panchayat of the village under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana. The pleas taken are that (i) earlier an injunction suit filed by their forefathers was decreed against the Gram Panchayat and (ii) similar suit earlier filed by the Gram Panchayat was dismissed for non-prosecution.

In our considered view, both the plea taken by the petitioners are legally misconceived and unsustainable. A decree for permanent injunction prohibits dispossession of a person except in due course of law. The Gram Panchayat, in deference to that decree, has filed eviction petition so as to eject the petitioners through the process of law. There is thus no violation of that decree. Secondly, the principles akin to res-judicata do not apply to the proceedings under Section 7 of the 1961 Act. It is well settled that eviction proceedings under that Act are summary in nature and the Gram Panchayat is not precluded to proceed with the same even if the petition earlier filed by it was dismissed.

No ground to grant the desired relief is made out. However, it would not preclude the petitioners to take all the pleas before the Forum where eviction petition is pending.

With liberty aforementioned, the writ petition is dismissed.

[SURYA KANT]
JUDGE

August 21, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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