

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-22459-2017

Date of Decision: September 29, 2017

Balkar Singh and another	Petitioners
Versus	
Suresh Pal 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: Ms.Mannat Anand, Advocate
for the petitioners.

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SURYA KANT, J.

The petitioners are residents of village Morthala, Tehsil Thanesar, District Kurukshetra. The order of ejectment under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to State of Haryana was passed against them at the instance of respondent No.1 holding that the land in dispute measuring 12K 06M vests in Gram Panchayat. The petitioners filed statutory appeal which was also dismissed vide order dated 21.05.2015. They further filed a revision petition before the Commissioner, who vide impugned order dated 20.09.2017 has declined to grant them ad interim stay. The revision petition has been listed for hearing on 24.10.2017.

[2] We have heard learned counsel for the petitioners. It does not appear necessary to call upon respondent No.1 or the Gram Panchayat as

they will be unnecessarily burdened with the cost of litigation. At the same

time if the petitioners are dispossessed, the revision petition will become infructuous. Taking into consideration the totality of the circumstances, coupled with the fact that the petitioners are stated to be in possession of only 02K 03M land, it is directed that subject to the petitioners' depositing advance cost of Rs.25,000/- with the Commissioner, Ambala Division, Ambala, within a period of one week, status quo re: possession shall be maintained till the decision of their revision petition. In case claim of the petitioners is not accepted by the revisional Authority, the above-stated amount shall be released in favour of the Gram Panchayat to compensate the losses suffered by it on account of unauthorised possession of its land. However, if the petitioners succeed, the cost amount shall be refunded to them.

[3] Disposed of.

(SURYA KANT)
JUDGE

September 29, 2017

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(SUDHIR MITTAL)
JUDGE

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