

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23306 of 2017.

Date of Decision: October 11, 2017

Naurang Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Keshav Pratap Singh, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners were ordered to be evicted from the suit land by the Collector, SAS Nagar, Mohali vide order dated 03.05.2013 which was passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act), at the instance of the Gram Panchayat. Instead of challenging that order in appeal, the petitioners preferred a petition under Section 11 of the 1961 Act to urge that the land falls within the *abadi deh* and it does not vest in Gram Panchayat. Their petition was disposed of vide order dated 09.06.2016 with vague and evasive findings. Instead of challenging that order before the Appellate Forum under the 1961 Act, it appears that the parties went in two rounds of litigation before the Civil Court, one decided against the petitioners and other against the Gram Panchayat. The fact of the matter is that the controversy can be resolved only by the Authority under the 1961 Act as jurisdiction of the Civil Court is expressly barred.

We thus dispose of this writ petition with liberty to the petitioners to file their statutory appeals against the above-mentioned orders before the Appellate Authority, who in turn, is directed to entertain the

appeals in accordance with law and make an endeavour to decide the same on merits.

It is further directed that irrespective of the order dated 07.02.2017 passed by this Court in PIL jurisdiction in CRM-M No.49595 of 2007 (Kuldip Singh versus State of Punjab) and other connected cases, the Appellate Authority shall entertain and decide the appeals as well as stay applications, which may be moved by the petitioners on merits and in accordance with law.

With a view to enable the petitioners to avail the above-mentioned remedy, parties are directed to maintain *status-quo* re: possession for a period of two months.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 11, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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