

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23587 of 2017.

Date of Decision: October 13, 2017

Khadak Singh 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.M.L.Sharma, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of village Manana, Tehsil Samalkha, District Panipat. They have chosen to challenge the order dated 20.11.1985 passed by the Assistant Collector, 1st Grade under the provisions of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, at this stage through the instant writ petition. It is averred that the above-stated order is void ab-initio as it was passed overlooking the mandate of the Civil Court in Civil Suit No.241/63 decreed in favour of the petitioners and against the Gram Panchayat vide judgment and decree dated 01.08.1963. The said decree was upheld by this Court in RSA No.1213 of 1970 decided on 07.04.1983.

We have heard learned counsel for the petitioners. It cannot be disputed that an order passed by Assistant Collector, 1st Grade under the provisions of 1961 Act is appealable/revisable by various superior authorities prescribed under the statute.

Without going into the question of delay, we are of the view that even if the petitioners have any cause of action to challenge that order

at this stage, the appropriate recourse for them would be to file a statutory

appeal alongwith an application for condonation of delay.

With liberty aforementioned, the writ petition stands disposed
of.

[SURYA KANT]
JUDGE

October 13, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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