

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5545-2013

Date of Decision: January 19, 2017

Ram Singh and others

.....Petitioners

Versus

Financial Commissioner Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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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: Mr.Jagjit Singh, Advocate
for the petitioners.

Mr.Piyush Bansal, DAG, Punjab.
Ms.Harveen Kaur, Advocate
for the private respondents.

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SURYA KANT, J.

The controversy in this case pertains to the ownership and possessory rights qua Khasra Nos.358, 359 and 360 situated in the revenue estate of village Beh Lakhan, Tehsil Mukerian, District Hoshiarpur.

The petitioners had earlier filed a suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 claiming ownership rights qua Khasra No.360 but the case was decided against them upto this Court. The matter is now subjudiced before the Hon'ble Supreme Court. So far as Khasra Nos.358 and 359 are concerned, the petitioners have vacated the possession in favour of private respondents.

In this manner, the only issue which survives pertains to the

payment of arrears of mesne profit/rent which the petitioners are liable to

pay to the private respondents in respect of all the three khasra numbers. This Court on October 18, 2016 directed that the petitioners shall pay such arrears in respect of Khasra Nos.358 and 359 to the private respondents and as regard to Khasra No.360, the same shall be deposited with the Registrar of this Court who shall keep the same in the FDR.

The petitioners could not pay the mesne profit/rent to the private respondents qua Khasra Nos.358 and 359 as the exact amount was not conveyed to them. Same is the position with regard to Khasra No.360 also.

Learned counsel for the private respondents undertakes to inform the exact amount of arrears to the petitioners within one month and on doing so, the petitioners are directed to pay such arrears qua Khasra Nos.358 and 359 to the private respondents and as regard to Khasra No.360, it is directed that the same be deposited with the Collector, Hoshiarpur, who shall keep the same in FDR in a Nationalised Bank till the controversy is decided by the Hon'ble Supreme Court.

The writ petitioners shall pay/deposit the mesne profit/rent within one month from the date the exact amount is informed to them.

The writ petition stands disposed of in the above terms.

(SURYA KANT)
JUDGE

January 19, 2017
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(SUDIP AHLUWALIA)
JUDGE