

CWP No.35 of 2016

{1}

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.35 of 2016

Date of decision:17.03.2017

Shamsher Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CWP No.36 of 2016

Amarjit Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CWP No.37 of 2016

Dharampal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

Mr. Radhey Shyam Sharma, Advocate
for respondent No.11 in CWP No.37 of 2016.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of three writ petitions bearing
Nos.35 to 37 of 2016, whereby, there is challenge to the order dated
03.11.2015 vide which claim of the petitioners for grant of proprietary

rights on the land belonging to the Government, i.e, Govt. live stock, has been rejected.

Conceded position on record is that the proceedings under the Haryana Public Premises and Land (Eviction of Rent Recovery) Act, 1972 (hereinafter referred to as “1972 Act”) have also been initiated at prior point in time. This Court, vide order dated 17.02.2017 passed in CWP No.5635 of 2015 by remanding the matter back to the Collector had set aside the order on the premise that petitioners had raised certain dispute and had not been given an opportunity of hearing, in essence, issues were required to be framed, much less evidence to be led. This Court had already granted liberty to the parties to the lis to lead evidence in respect of their restive claims.

Learned counsel for the petitioners in CWP Nos.5635 of 2015 and 12783 of 2015 decided on 17.02.2017 did not bring to the notice of this Court about pendency of the writ petitions pertaining to the same very piece of land.

The apprehension of the petitioners is that in case, this order is upheld, continuance of those proceedings initiated under 1972 Act would pale into insignificance as this order would come in their way.

I am of the view that there is some force and merit in the aforementioned submission of Mr. Jain, for, since the petitioners have not been able to establish plea of proprietary rights in the present writ petitions on the premise that they have not been afforded any opportunity. Once the proceedings under 1972 Act have been initiated, they are at liberty to take

all the possible pleas which would have been taken in the proceedings culminated into passing of the impugned order in the present writ petitions. If such defence is taken, the Collector shall decide the matter uninfluenced with the finding rendered in the impugned order dated 03.11.2015.

With the aforementioned observations, the writ petitions stand disposed of.

(AMIT RAWAL)
JUDGE

March 17, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No