

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

CWP-25551-2017

Date of Decision: November 09, 2017

Hakam Singh and another	Petitioners
Versus	
State of Punjab 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: Mr.Pankaj Kundra, Advocate for
Mr.Deepak Sabharwal, Advocate for the petitioners.

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SURYA KANT, J.

The petitioners are residents of village Kurda, Tehsil and District SAS Nagar Mohali. They filed a declaratory petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 claiming themselves to be owners of land measuring about 2 kanals each out of total land measuring 136 kanal 11 marla comprising khasra No.41 which is stated to be *abadi deh*. The Collector, Mohali allowed their petition vide order dated 08.01.2013 (P-2) but on appeal by the Gram Panchayat, the matter has been remanded by formulating certain issues which are again required to be adjudicated by the Collector. The matter is still pending adjudication before the Collector, Mohali. Meanwhile, the officials of the Department of Rural Development and Panchayat, Punjab, have taken action including vide letters dated 13.10.2017 and 03.11.2017 (P-5 and P-5/A) to remove the

alleged illegal possession of the petitioners. Since the matter is sub-judice in

the Court of Collector, we are satisfied that the parties are obligated to maintain *status-quo* till the matter is decided by the Collector.

[2] The writ petition is accordingly disposed of with a direction to the parties to maintain *status-quo* re: possession or further construction at the site till the petition under Section 11 of the 1961 Act is decided by the Collector, Mohali. It is further directed that regardless of our order dated 07.02.2017 passed in CRM-M No.49595 of 2007 (Kuldip Singh versus State of Punjab), which was passed in PIL jurisdiction, the Collector, Mohali shall decide the petition filed by the petitioners, expeditiously but not later than four months from the date of receiving a certified copy of this order.

[3] Ordered accordingly.

[4] Dasti.

(SURYA KANT)
JUDGE

November 09, 2017
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(SUDHIR MITTAL)
JUDGE

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