

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.28429 of 2017.

Date of Decision: December 14, 2017

Suresh and others

.....Petitioners

versus

Commissioner, Rohtak Division, Rohtak and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Ravinder Singh Dhull, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners have laid challenge to the orders dated 09.05.2013, 27.05.2014 and 13.10.2017 passed by the Assistant Collector, 1st Grade, Beri; Collector Jhajjar and the Commissioner, Rohtak Division, Rohtak, respectively, whereby eviction petition filed by respondent No.5 against them under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, was allowed and the petitioners' appeal and revision petition against that eviction order have been dismissed.

Learned counsel for the petitioners submits that though question of title was raised in the written statement, however, the authorities below have not framed any issue and no finding has been returned in this regard. In such a situation, he seeks to withdraw this writ petition with liberty to the petitioners to file declaratory petition under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana.

The writ petition is accordingly dismissed as withdrawn with

liberty aforementioned. It is, however, directed in the interest of justice that in case the petitioners file the above-mentioned petition within two weeks alongwith an application for ad-interim stay, the Court concerned shall decide the application for stay within four weeks.

The parties are directed to maintain *status-quo* re: possession for a period of four weeks from today.

Dasti.

[SURYA KANT]
JUDGE

December 14, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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