

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

**COCN No. 1286 of 2016 (O&M)
Date of Decision: 18.01.2018**

Rakam Singh

..... Petitioner

Versus

Sh. Ashok Sangwan, IAS, Registrar Cooperative Societies,
Haryana, Panchkula and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anil Ghanghas, Advocate
for the petitioner.

Mr. Indresh Goel, Additional Advocate General, Haryana.

Mr. Mahavir Sandhu, Advocate
for respondent No. 7-Sh. Banarsi Dass, Sarpanch.

JASWANT SINGH, J. (ORAL)

Petitioner-Rakam Singh claim himself to be a Proprietor and in possession of the '*Mushtarka Malkaan*' land to the extent of his share in Village Lalpur, Tehsil Naraingarh, District Ambala. He filed a civil suit for permanent injunction seeking to injunct the Gram Panchayat and Block Development & Panchayat Officer (in short 'BDPO') from leasing out the land in his possession shown as '*Mushtarka Malkaan*', fully detailed in the suit. His application for grant of temporary injunction under Order 39 Rules 1 & 2, CPC, was allowed by learned Civil Judge (Sr. Division), Ambala, vide order dated 06.06.2006 (**Annexure P-2**). The same was set aside by the Appellate Court/Additional District Judge, Ambala, vide order dated 25.08.2006 (**Annexure P-3**). The petitioner, then filed a *Civil Revision No. 5814 of 2006*, wherein the following order was passed on 06.11.2006:-

“ Present: Mr. Sunil Panwar, Advocate for the petitioner.

*Notice of motion to the respondents for
30.11.2006.*

*Mr. Arvind Singh, Advocate, accepts notice on
behalf of the respondents.*

*Till then, status quo regarding possession be
maintained by the parties.*

06.11.2006

*Sd/-
(Ajay Kumar Mittal)
Judge ”*

Thereafter, the revision was admitted vide order dated
26.05.2009 (**Annexure P-4**), which is reproduced as under:-

“ Present: Mr. Sunil Panwar, Advocate for the petitioner.

None for the respondents.

Admitted.

Interim order to continue.

26.05.2009

*Sd/-
(Rakesh Kumar Garg)
Judge ”*

The present contempt has been filed with the allegations that
the respondent(s)-members of the Gram Panchayat have forcibly harvested
the crop sown by the petitioner in the suit land in his possession and,
therefore, violated the aforesaid directions contained in the order dated
06.11.2006.

The conceded facts are that the aforesaid suit wherein order
dated 26.05.2009 (**P-4**) was passed, stands decided against the petitioner
vide judgment and decree dated 28.02.2013 with the findings that the
petitioner was not in possession. The appeal filed by the petitioner
alongwith the co-plaintiffs stood dismissed as withdrawn, after recording of

their statements vide order dated 01.04.2014. Even the titled suit filed by the Gram Panchayat under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act, 1961') (as applicable to Haryana) stands decided in favour of the Gram Panchayat. The appeal and the revision filed by the petitioner stands dismissed. In the writ petition bearing CWP No. 17828 of 2017 filed against the said orders, upon notice, the case stands adjourned to 27.03.2018.

It is pointed out by the counsel for the petitioner that in the year 2011, on the report of the SHO concerned in the pending proceedings under Section 145 Cr.P.C., the possession of the petitioner was established. It is also urged that even the application for eviction filed by the Gram Panchayat, under Section 7 of 'the Act, 1961' was subsequently withdrawn after seeking forcible possession.

After hearing counsel for the parties, without going into the other contentions, one thing is apparent that the interim order dated 06.11.2006 duly affirmed vide order dated 26.05.2009 (P-4) emerging out of the temporary injunction applications would pale into insignificance on dismissal of the suit on 28.02.2013 and the appeal having been withdrawn on 01.04.2014. Therefore, as far as the present contempt petition is concerned, no further action is required and the same is **dismissed**.

However, the petitioner is free to seek his remedy in accordance with law for any alleged violation of the legal right of the petitioner.

January 18, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>