

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

CWP No. 30048 of 2018

Date of Decision: 30.11.2018

DIDAR SINGH AND OTHERS

...Petitioners

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate,
 for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

Notice of motion.

On the asking of the Court, Mr. Surender Singh Pannu, DAG,
Haryana accepts notice on behalf of respondents No. 1 to 6.

The petitioners have challenged the order dated 05.10.2018,
12.10.2018 and 22.10.2018 (Annexure P-20 to P-22) by way of a writ in the
nature of certiorari for quashing the same on the ground that they are being
dispossessed despite the fact that their appeal is pending before the Financial
commissioner, Haryana.

In brief, the petitioners had filed a suit under Section 13-A of the
Punjab Village Common Lands (Regulation) Act, 1961
(for short 'the Act') for seeking a declaration to the effect that they are the
owners in possession of the land in dispute. The said suit was dismissed by
the Collector on 18.11.2016. The petitioners filed their appeal under Section
13 AA of the Act before the Division Commissioner in which status-quo was
granted vide order dated 10.04.2017. Thereafter, on an application filed by
the person who was not a party to the *lis*, the Divisional Commissioner

vacated his order of stay on 23.05.2017 and proceedings were initiated for the purpose of taking the possession from the petitioners. The petitioners then filed a writ petition bearing **CWP No. 17634 of 2017** titled as **Surjit Singh and others** Vs. **Commissioner, Ambala Division, Ambala and others** to challenge the order of the Collector and the Commissioner by which order of status-quo was vacated. The said petition was disposed of on 09.08.2017 protecting the possession of the petitioners with a rider that they would pay ₹20,000/- per acre for the crop year 2016-2017 i.e. upto the harvesting of the *kharif* crop for availing the ad interim stay. It was also made clear that in the event of non-deposit of the amount, the contesting respondents would be at liberty to seek vacation of the ad-interim stay.

It is averred that the petitioners had thereafter deposited the amount as directed by this Court vide its order passed in **CWP 17634 of 2017**. The appeal filed by the petitioners before the Commissioner, Ambala was decided on 31.10.2017 against the petitioners and proceedings are again initiated by the Collector vide his order dated 07.11.2017 to take possession. The petitioners had again approached this Court by way of **CWP No. 26505 of 2017** titled as **Surjit Singh and others** Vs. **Commissioner, Ambala Division, Ambala and others** which was disposed on 18.12.2017 with a direction to the Revisional Authority to decide the revision petition filed by the petitioners against the order passed by the Commissioner of the Ambala Division, Ambala expeditiously and till then order of status-quo was order to be maintained which was granted on 09.08.2017 and 14.09.2017. The Financial Commissioner, Haryana allowed the appeal on 10.04.2018 and

remanded the case back to the Commissioner, Ambala who has again dismissed the appeal of the petitioners vide its order dated 12.06.2018.

Learned counsel for the petitioners has submitted that now against the order of the Collector dated 18.11.2016 and the order of the Commissioner, Ambala dated 12.06.2018 a revision petition is filed under Section 13 AA of the Act which is now fixed for 16.01.2019.

Learned counsel for the petitioner has submitted that on the one hand, their revision petition is pending before the Financial Commissioner, Haryana and on the other hand the respondents are trying to dispossess them by issuing impugned orders.

It is further submitted that once the petitioners have complied with the order passed by this Court in the **CWP No. 17634 of 2017** depositing the amount @ ₹20,000 per acre in respect of the land which is in their possession, the order of status quo shall be presumed to be continuing in their favour.

We have heard learned counsel for the parties, much less, the person who is actually contesting the writ petition as Caveator through Mr. Vineet Chaudhary, Advocate, who has submitted that the Panchayat is also colluding with the petitioners. We are of the considered opinion that it would be just and expedient if a direction is issued to the Financial Commissioner, Haryana who is seized of the revision petition filed by the petitioners to decide the same on the date already fixed i.e. 16.01.2019 so that the issue as to whether the petitioners are the owners of the property may be settled.

Accordingly, the present writ petition is hereby disposed of with a direction to the Financial commissioner, Haryana, who is seized of the revision petition i.e ROR No. 500 of 2016-17, which is allegedly fixed for 16.01.2019, to decide it on the same day after hearing the parties to the *lis*.

Till then, parties shall maintain status quo with regard to their possession.

It is made clear that this order is only pertaining to the petitioners who have deposited the amount in pursuance to the order dated 09.08.2017 passed in CWP No. 17634 of 2017.

[RAKESH KUMAR JAIN]
JUDGE

November 30, 2018
Ess Kay

[ANIL KSHETARPAL]
JUDGE

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