

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

CWP No.8447 of 2017

Mohar Singh & another

...Petitioners

Vs.

Commissioner Hisar & others

...Respondents

(2) CWP No.9104 of 2017
DATE OF DECISION:11.12.2018

Ramniwas

...Petitioner

Vs.

Commissioner Hisar & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. R. A. Sheoran, Advocate
for the petitioners.

Mr. Ankur Mittal, Additional A.G., Haryana.

Mr. Vikram Singh Lakhlan, Advocate
for respondent No.4.

MAHESH GROVER, J. (Oral)

This order will dispose of abovesaid two writ petitions as they
are interconnected.

The petitioners initiated proceedings under Section 13A of
The Punjab Village Common Lands Act, 1961 when proceedings under
Section 7 were also pending. The suit under Section 13A was dismissed by

the Collector on 23.04.2015(Annexure P-5) and appeal against the same dismissed on 26.07.2016(Annexure P-14) as also did the revision on 07.09.2016. In order dated 23.04.2015, the petitioners were granted liberty to raise their question of title in proceedings pending under Section 7 of the Act.

Eventually, Section 7 proceedings were decided against the petitioners which led to further appeal/revision and now the petitioners are in the present petition.

Learned counsel for the petitioners contends that the question of title was indeed raised in reply filed to the proceedings under Section 7 of the Act. The reference to para 8 of the reply in this regard has been made.

The grievance now is that Section 13A proceedings were dismissed on the ground that Section 7 proceedings were pending and liberty was granted to the petitioners to raise the question of title therein which he did. A perusal of para 8 of the reply would reveal so but the impugned orders passed by the competent authority while determining the proceedings under Section 7 reveals that this issue has not been taken care of. Although learned counsel for the respondent would State that the petitioners never availed of the liberty granted to them to raise the question of title in Section 7 proceedings, we are of the opinion that the reply filed by the petitioners does suggest that they have raised the issue of title. Consequently, we accept both writ petitions and remit the matter back to the Collector for decision afresh. We make it clear that the earlier order

CWP No.8447 of 2017 & :3:
CWP No.9104 of 2017

passed in Section 13 A proceedings directing question of ownership was not challenged by the petitioner. The authorities would look into this issue of ownership only in relation to possession and its legitimacy as Section 7 proceedings are summary in nature. Needful be done as expeditiously as possibly preferably within a period of six months from the date of receipt of certified copy of the order.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

11.12.2018
rimpal

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No