

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

CWP No.136 of 2019

Date of Decision:-08.01.2019

Kamal Singh.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. V.P. Sangwan, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner, the alleged encroacher of suit land belonging to the Gram Panchayat, Rehrodi, Tehsil Badhra, District Charkhi Dadri has filed the present writ petition seeking issuance of a writ in the nature of Mandamus for directing the Revisional Authority-respondent no.1 to decide his revision and application for stay bearing ROR No.462 of 2017/2018 filed against the order dated 09.03.2017 (P-2) passed by Collector Bhiwani, whereby the suit of the petitioner and other co-sharers qua title filed under Section 13-A of The Punjab Village Common Land (Regulation) Act, 1961 (for short the '1961 Act') was dismissed while decreeing the same in favour of Gram Panchayat Rehrodi, Tehsil Badha, District Charkhi Dadri (earlier District Bhiwani); as also the order dated 15.05.2018 (P-1) passed by the Appellate Authority i.e. Commissioner, Rohtak affirming the findings of the

Collector while dismissing the appeal of the petitioner.

It is averred that the aforesaid revision was filed within the prescribed time, however, the same has been adjourned from time to time without deciding the application for stay. The petitioner apprehends the execution of the decree at the instance of the Gram Panchayat and hence is praying a direction for atleast decision by the Revisional Authority on the application for stay within a time frame.

Notice of motion to respondent nos.1 & 2 only.

On the asking of the Bench, Mr. Arun Beniwal, Deputy Advocate General, Haryana accepts notice on behalf of respondent nos.1 & 2 i.e. Revisional Authority and Executing Court.

In view of the nature of the order proposed to be passed by this Court, it is deemed proper not to issue notice notice of motion to the Gram Panchayat as also a resident-Satbir of the same village who had filed the application under Section 7 of the 1961 Act seeking the eviction of the petitioner and other co-sharers, whereupon the title suit was filed by the petitioner and other co-sharers under Section 13-A of the Act.

Counsel for the respondent-State concedes that in the similar case bearing CWP No.31681 of 2018, the Division Bench of this Court has already disposed of matter vide order dated 14.12.2018 with a direction to the Revisional Authority to decide the pending revision petition and the application for stay.

Keeping in view the aforesaid facts and circumstances, the present writ petition is hereby disposed of with a direction to the Revisional Authority-respondent no.1 seized of the revision petition and application for stay in ROR No.462 of 2017/18 to decide the same expeditiously along with stay application as ordered by this Court vide the aforesaid decision

dated 14.12.2018. Till then, the parties shall maintain status quo.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

January 08, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>