

CWP-1848-2019 (O&M)

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

**CWP-1848-2019 (O&M).
Decided on: January 23, 2019.**

Shiv Kumar and others

.. Petitioners

VERSUS

State of Haryana and Ors.

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.Vikram Singh, Advocate,
for the petitioners.**

JASWANT SINGH, J. (ORAL)

Three (3) petitioners namely Shiv Kumar, Kamal Kumar, and Bahoti Devi, are residents of village Chhallaur, Tehsil and District Yamunanagar, and in the eviction petition filed by the Gram Panchayat under Section 7 (2) of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana), (for short 'the 1961 Act') qua the land in their alleged unauthorised occupation, they stand evicted vide order dated 11.12.2015, (Annexure P1) passed by the Assistant Collector First Grade,

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Yamunanagar.

The appeal filed by them also stand decided in favour of the Gram Panchayat vide order dated 28.12.2016, (Annexure P3) passed by the Collector, Yamunanagar. The revision petition filed by them is stated to be pending before the revisional authority i.e. the Commissioner, Ambala Division, Ambala, wherein no steps against the orders of ejectment have been taken.

It transpires that the aforesaid petitioners filed a joint title suit under Section 13-A of the 1961 Act, which stands decided against them and in favour of the Gram Panchayat passed by the Collector, Yamunanagar and the appeal filed by the petitioners also stands decided in favour of the Gram Panchayat vide order dated 4.9.2015, passed by the Appellate Authority – Commissioner, Ambala Division, Ambala.

The petitioners have filed ROR Nos.48 of 2015-16 (Annexure P4), before the revisional authority i.e. before the Government wherein, no stay has been granted and the same is stated to be pending.

By filing the instant petition, the petitioners are seeking a mandamus for staying the operation of warrants of possession issued by the Assistant Collector – BDPO, Jagadhari – respondent No.4, seeking to enforce the orders of eviction.

It is contended that without final adjudication, of the pending title suit amongst the parties, by the Authority under the Statute, the orders of eviction cannot be implemented in view of the settled law.

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Upon notice, Mr.Arun Beniwal, DAG, Haryana, appearing for the State, is unable to really contest the aforesaid legal position.

In view of orders proposed to be passed, notice to the Gram Panchayat is considered unnecessary at this stage.

The instant writ petition is disposed of with the directions to the revisional authority seized of the title dispute to decide the revision positively within a period of ***six months from the receipt of certified copy*** of the order.

Till then, the orders of eviction against the petitioners shall not be executed.

(JASWANT SINGH)
JUDGE

January 23, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No