

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

**Civil Writ Petition No. 3181 of 2019 (O&M)
Date of Decision: 02.05.2019**

Rajbir and others

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Jitender Dhanda, Advocate
for the petitioners.

Mr. Rajeev Kumar Doon, Assistant Advocate General, Haryana
for respondent Nos. 2 to 4/State.

JASWANT SINGH, J. (ORAL)

The 09 (Nine) petitioners are the residents of Village Udeypur, Tehsil Uchana, District Jind. Their grievance are that the eviction orders *qua* Panchayat land in respect of unauthorized possession of private respondent Nos. 6 to 8, i.e. Lilu Ram son of Sh. Hem Ram (since deceased), Dalipa son of Sh. Hari Singh (since deceased) and Partap son of Sh. Singha Ram (since deceased), respectively, represented through LRs, having become final way back prior to the year 1980s; the possession had not got been restored back to the Panchayat.

Learned State Counsel was directed to verify the aforesaid facts.

In response, Dr. Aditya Dahiya, Deputy Commissioner, Jind, has filed his affidavit dated 19/24.04.2019, detailing the circumstances under which the eviction decree(s) could not be got executed.

It transpires that the said encroachers have obtained certain decrees from the Civil Court *qua* the same land. The question would be as

to whether they are liable to be ignored, based on collusion and fraud, or have a binding effect between the parties. That issue, in view of the settled law, can be decided by the adjudicating authorities under the Punjab Village Common Lands Regulation Act, 1961 (in short “The Act, 1961”) without seeking a declaration through Civil Courts.

At the time of hearing today, Mr. Bhupinder Singh Bairagi, representing the Gram Panchayat, Village Udeypur, Tehsil Uchana, District Jind, states that since the previous execution decree(s) due to efflux of time would not be executable, however, steps would be taken for initiating a fresh proceedings under “The Act, 1961”.

Counsel for the petitioners states that his clients also have the liberty to challenge the fresh proceedings.

In view of the aforesaid circumstances, no further directions are required to be passed in the present petition and the same has become infructuous.

Disposed of as infructuous.

However, a direction is issued to the authorities, which may be seized of the eviction proceedings under “The Act, 1961”, to expedite and conclude the proceedings within reasonable time against the said encroachers.

(JASWANT SINGH)
JUDGE

May 02, 2019
'dk kamra'

(ARUN KUMAR TYAGI)
JUDGE

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