

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

**CWP 3521 of 2019
Date of decision:14.03.2019**

Surender Kumar and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.Karunesh Kaushal,Advocate for
Mr.Robin Dutt,Advocate for the petitioners

Mr.RS Budhwar,Advocate for respondent Gram Panchayat

Mr.Rajiv Doon,AAG Haryana for official respondents.

Jaswant Singh,J,(Oral).

Petitioners-4 in number are residents of Village Challaur,
Tehsil Bilaspur, District Yamuna Nagar.

By filing this writ petition they are seeking a writ of mandamus directing the respondents to decide the stay application filed by them alongwith ROR No.48/2015-16 with a further prayer to stay operation/execution of warrants of possession issued by respondent no.4-Block and Panchayat Officer,Jagadhari.

Facts in brief are that petitioners filed a suit under Section 13-A of the Punjab Village Common Lands (Regulation)Act,1961, as applicable to State of Haryana with the averments that they were owners in possession as per their share of the land measuring 601 kanal 12 marla, fully described in para 2 of the present petition. Further it was inter alia their case

that at the time of consolidation in the year 1951-52 the land in question was taken on the basis of pro-rata-cut basis and the same was not reserved for any common purpose under the Consolidation Scheme but wrongly mutated in favour of Gram Panchayat. It was prayed that since the land in question did not vest in Gram Panchayat under the new shamlat law, therefore, decree of declaration be passed declaring petitioners to be owners of the suit land and further restraining the Gram Panchayat from interfering in peaceful possession of the petitioners. Reliance was placed upon decision of this Court in CWP 5877/1992 titled **Jai Singh v State of Haryana**, decided on 13.3.2003.

Gram Panchayat contested the suit by claiming that the land in dispute vest in it under the old as well as new shamlat law. It was further alleged that the land in dispute was reserved for common purpose i.e. income of the Gram Panchayat being utilized for the village community and therefore, deemed to be reserved for common purpose. Again reliance was placed upon **Jai Singh's** case (supra).

The learned Collector on the basis of pleadings framed issues. Both sides led evidence in support of their respective claim. On the basis of material available on record, learned Collector vide order dated 20.12.2012 (P-1) dismissed the suit of the petitioners. The appeal filed against order P-1 was dismissed by learned Commissioner, Ambala Division, Ambala vide order dated 4.9.2015(P-2).

Still dissatisfied, petitioners filed ROR No.48/2015-16(P-3) alongwith stay application before Financial Commissioner, Haryana.

In the present petition, it is grievance of the petitioners that during the pendency of revision petition, respondent no.4 decided ejectment

case on 11.12.2015 and ordered petitioners' eviction from the land in question. It has been averred that in the garb of warrant of possession, respondent no.4 is adamant to dispossess the petitioners from the land in dispute.

On the last date of hearing i.e. 12.3.2019 learned State counsel was directed to seek instructions with regard to the time needed by revisional authority to dispose of the revision filed by the petitioners with regard to the title suit as also the eviction orders.

At the time of hearing today, Mr.R.S.Doon, learned Assistant Advocate General, Haryana, on instructions, states that the revision petition filed by the petitioners will be decided within a period of three months.

In view of the above the present writ petition is disposed of with a direction to the Revisional Authority, who is seized of the revision petition filed by the petitioners to decide the same within a period of six months from today by passing a speaking order.

Till the decision of the revision petition filed by the petitioners, dispossession of the petitioners from the land in dispute shall remain stayed.

(Jaswant Singh)
Judge

14.03.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No