

CWP-3979-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP-3979-2019.
Decided on: March 5, 2019.

Zakir Hussain and another

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

* * *

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

* * *

PRESENT Mr.Sanjay Verma, Advocate,
for the petitioners.

Mr.Arun Beniwal, D.A.G. Haryana.

JASWANT SINGH, J. (ORAL)

The two (2) petitioners namely Zakir Hussain resident of village Tajewala and Rasida Khatun, resident of village Bombeypur, Tehsil Chhachhrauli, District Yamuna Nagar, claim to have verbally purchased 39 kanals and 4 marlas of land comprising the share of the proprietors in village Nainwala and Gram Panchayat in the land recorded as “*Mushtarka Jumla Malkan and Digar Hakdaran Hasab Rasab*” however, alleged to be

covered under the definition of *shamilat land*.

The Gram Panchayat had sought the eviction of the petitioners by filing an application under Section 7 (2) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short the “Land Act”) (as applicable to Haryana), which stands allowed vide order dated 15.2.2018 passed by the Assistant Collector First Grade, Yamuna Nagar, in favour of the Gram Panchayat and ordering eviction of the petitioners. The appeal filed by the petitioners was also dismissed vide order dated 5.12.2018 (Annexure P1) passed by the Collector, Yamuna Nagar. The petitioners then filed a revision along with an application for stay before the Commissioner, Ambala Division, under Section 13-B of the Land Act, which is stated to be pending.

Apprehending execution of the warrants of possession pursuant to the eviction orders, the instant writ petition has been filed with the limited prayer for directing the revisional authority to decide the pending stay application along with the revision petition.

On the previous date of hearing, the State counsel was directed to seek instructions with regard to the time needed for deciding the revision by the revisional authority.

At the time of resumed hearing today, State counsel states that the commissioner, Ambala – revisional authority, has prayed for the grant of three months time for deciding the pending revision filed by the petitioners against the eviction orders.

CWP-3979-2019

In view of aforesaid stand, the instant writ petition is disposed of with a direction to the revisional authority to positively decide the pending revision within a period of ***four months*** from today. Till then status quo regarding the possession of the petitioners shall be maintained.

(JASWANT SINGH)
JUDGE

March 5, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

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