

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

**CWP 4608 of 2019
Date of decision:14.03.2019**

Dharam Singh 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:- Dr.Naresh Kaushik,Advocate for the petitioners.

Mr.Rajiv Doon,AAG Haryana for respondents.

Jaswant Singh,J,(Oral).

Petitioners-12 in number are residents of Village Kheri Raiwali,
Sub Tehsil Dhand, District Kaithal.

By filing this writ petition they are seeking a writ of mandamus directing the respondents not to dispossess them from their residential houses during the pendency of statutory revision filed by them before respondent no.2-Commissioner,Karnal Division,Karnal.

Facts in brief are that Gram Panchayat, Village Kheri Raiwali-respondent no.7 filed a petition under Section 7(2) of the Punjab Village Common Lands (Regulation)Act,1961 before Assistant Collector Ist Grade,Kaithal seeking eviction of the petitioners from land measuring 45 kanals 14 marlas situated in Village Kheri Raiwali, being in unauthorised possession of the same.

The petition filed by respondent no.7-Gram Panchayat was

allowed vide order dated 27.4.2017 passed by Assistant Collector Ist Grade and petitioners were ordered to be evicted from the disputed land.

Aggrieved against the same, petitioners filed appeal before Collector, Kaithal upon which the matter was remanded back to Assistant Collector Ist Grade, with a direction to decide the matter afresh within 45 days of the receipt of appellate order, after conducting solid demarcation in the presence of the parties.

In compliance thereof, the Assistant Collector Ist Grade got demarcation done. Thereafter parties were heard and on the basis of material available on record, Assistant Collector Ist Grade, Kaithal vide order dated 15.3.2018 (P-1) ordered eviction of the petitioners by holding that as per revenue record and latest demarcation Gram Panchayat was owner of the land in dispute and hence petitioners were ordered to be evicted therefrom. Further, a fine @ Rs.10,000/- per hectare was also imposed and petitioners were directed to handover the possession of the land in dispute to Gram Panchayat, Kheri Raiwali failing which Gram Panchayat was permitted to file execution and take possession of the land in dispute.

Aggrieved against the order dated 15.3.2018 (P-1) petitioners filed appeal before Collector, Kaithal which was dismissed vide order dated 29.1.2019 (P-2). Still aggrieved petitioners preferred revision petition on 14.2.2019 before Commissioner, Karnal Division, Karnal alongwith stay application which is stated to be listed for today i.e. 14.3.2019.

It is grievance of the petitioners that no interim order having been passed in favour of petitioners, the authority concerned is bent upon to take the possession from petitioners which will render them homeless.

Hence prayer for staying execution of the warrants of possession during the pendency of the statutory revision.

On the last date of hearing i.e. 5.3.2019, Mr.Arun Beniwal,learned Deputy Advocate General,Haryana was directed to seek instructions with regard to time needed by the revisional authority to decide the pending revision petition.

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 nature of order being passed, it is not deemed necessary to issue notice to respondent-Gram Panchayat at this stage.

Keeping in view the totality of circumstances, 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 and which is fixed for today, 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