

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7787-2019

Date of Decision:20.03.2019

Nar Singh and others

.Petitioners

Vs.

State of Haryana and others

. Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present: - Mr.Vikram Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The short prayer made by the petitioners is for the issuance of a direction to respondent No.1, who is allegedly seized of the revision petition filed by the petitioners against the order dated 30.1.2019 passed by the Commissioner by which suit filed by the petitioners for claiming title over the property in dispute under Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961 [for short 'the Act'] has been dismissed.

It is submitted that the revision petition is now listed for hearing on 25.03.2019 but the petitioners have received the warrants of dispossession as they have already failed in the proceedings under Section 7 of the Act. It is submitted that if the petitioners are dispossessed at this stage when their crops are already standing then they would suffer irreparable loss and injury. It is further submitted that the writ petition may be disposed of with a direction to respondent No.1, at this stage, to decide the revision petition and if the same could not be decided at the earliest then at least the application for stay may be decided within a prescribed time.

Notice of motion.

On the asking of the Court, Mr. R.K. Doon, Advocate, AAG, Haryana accepts notice on behalf respondents No.1 to 4.

Learned counsel for the petitioners is directed to provide 4 copies of the writ petition to the counsel for the State during the course of the day.

Although we could have disposed of the writ petition without issuing notice to the official respondents with a direction to the revisional authority to decide the application for stay but the notice has been issued to ensure that the direction issued by this Court is conveyed to the concerned authorities by the counsel for the State and also to find out as to whether facts stated before us by the petitioners are correct or not.

Keeping in view the aforesaid facts and circumstances, the present writ petition is hereby disposed of with a direction to respondent No.1, who is seized of the revision petition of the petitioners, to decide the revision petition and also the application for stay by passing a speaking order as early as possible but preferably within a period of 15 days from the date of receipt of certified copy of this order. It is further directed that in case the revision petition cannot be decided then the application for stay shall be decided within the time prescribed.

Till then dispossession of the petitioners from the land in dispute shall remain stayed.

Copy *dasti*.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

20.03.2019

Vivek

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*