

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP-10841-2019 (O&M)
Date of Decision:09.09.2019

Jagbir Singh and others

. Petitioners

Vs.

State of Punjab and others

. Respondents

2.

CWP-14023-2019 (O&M)

Vijender Kumar

. Petitioner

Vs.

State of Punjab and others

. Respondents

3.

CWP-13805-2019 (O&M)

Harjinder Singh and others

. Petitioners

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI

Present: - Mr.Manish Joshi, Advocate,
for the petitioner(s).

Mr.Shreesh Gupta, Sr. DAG, Punjab.

Mr. Munish Jolly, Advocate,
for the Gram Panchayat.

RAKESH KUMAR JAIN, J. (ORAL)

This order shall dispose of three petitions bearing

CWP-10841-2019 titled as **“Jagbir Singh and others Vs. State of Punjab**

and others”, CWP-14023-2019 titled as ***“Vijender Kumar Vs. State of Punjab and others”*** and CWP-13805-2019 titled as ***“Harjinder Singh and others Vs. State of Punjab and others”*** because the issue involved in all the petitions is similar as the petitioners have alleged that they were not impleaded as party in the application filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [for short ‘the Act’] by the Gram Panchayat and obtained an order of eviction against them. However, for the sake of convenience, the facts are being extracted from CWP-10841-2019.

Shorn of unnecessary details, the petitioners have challenged the order dated 09.06.2015 passed against them in an application filed by the Gram Panchayat under Section 7 of the Act without impleading them as party therein and order dated 23.01.2019 whereby their appeal has been dismissed.

Learned counsel for the Gram Panchayat has submitted that these petitions may be allowed as the petitioners were not made party in the application filed under Section 7 of the Act by the Gram Panchayat. However, it is submitted that the Gram Panchayat may be given liberty to file an appropriate application under Section 7 of the Act, if so advised, to seek the eviction of the petitioners.

Learned counsel for the petitioners has not raised any objection in this regard.

Consequently, all the three petitions are hereby allowed and the impugned orders are set aside. The Gram Panchayat, however, is granted liberty to file an application under Section 7 of the Act, if so advised, to seek

eviction of the petitioners on the ground that they are in unauthorized possession of the land of the Gram Panchayat/Shamilat land.

A photocopy of this order be placed on the files of connected cases.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

09.09.2019
Vivek

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