

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

CWP 11035/2019

Date of decision:07.05.2019

Subhash

.....Petitioner

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 petitioner.

Mr.Rajeev Doon, AAG Haryana for the respondents.

Jaswant Singh,J,(Oral).

Petitioner-Subhash, a resident of Village Kheri Raiwali,Sub Tehsil Dhand, District Kaithal is seeking a writ of mandamus directing official respondents not to dispossess him from his residential house during the pendency of the statutory appeal pending before Collector,Kaithal-respondent no.2 for 5.7.2019.

As per averments made in the petition, due to party faction Gram Panchayat,Village Kheri Raiwali-respondent no.7 filed a petition under Section 7(2) of the Punjab Village Common Lands (Regulation) Act,1961 against him and one Geeta Rani before Assistant Collector First Grade,Kaithal alleging therein that petitioner and said Geeta Rani had unauthorisedly constructed houses in the land owned by Gram Panchayat comprised in khewat no.199,Khasra no.75 and 87 as per Jamabandi for the year 2014-15. Petitioner and said Geeta Rani were summoned. Demarcation of land in dispute was got done through Total Survey Machine under the supervision of Sub Tehsildar,Dhand.

On the basis of oral as well as documentary evidence it was found by the Assistant Collector First Grade,Kaithal that the land in dispute was owned by Gram Panchayat and was reserved for Gair Mumkin Rasta and falls within the definition of Shamlat Deh. Accordingly, the petitioner

and said Geeta Rani were ordered to be evicted from the land in dispute and they were further directed to deliver the possession of the land in dispute to Gram Panchayat vide order dated 20.7.2018 (P-1).

Aggrieved against the ejectment order P-1, petitioner filed an appeal before Collector, Kaithal which is stated to be pending for 5.7.2019. It is alleged that during the pendency of the appeal official respondents are bent upon to eject the petitioner hence prayer, as noticed in the opening para of this order.

Upon notice, status report by way of short affidavit of Surender Kumar, BDPO, Dhand has been filed in Court today, which is taken on record, stating therein that the appeal filed by the petitioner stands decided by Collector, Kaithal vide order dated 12.4.2019 (R-5/1) and that warrant of possession for implementation of eviction order dated 20.7.2018 stands passed against petitioner and others.

The contents of status report are not disputed by the learned counsel for the petitioner.

In view of the above, the writ petition having become infructuous, is dismissed accordingly.

(Jaswant Singh)
Judge

07.05.2019.
joshi

(Arun Kumar Tyagi)
Judge

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