

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

108

**CWP No.13369 of 2019
Date of Decision: 24.05.2019**

Om Parkash and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present : Mr. Vineet Chaudhary, Advocate for the petitioners.

JASWANT SINGH, J. (ORAL)

Om Parkash, Lal Singh, Siya Ram, Lehna Singh and Pala Ram, the five petitioners are residents of Village, Hathira, Tehsil Thanesar, District Kurukshetra, who have been ordered to be evicted from the respective areas in their unauthorised occupation in the application filed under Section 7 (2) of the Punjab Village Common Lands (Regulation) Act, 1961 by another resident-Zile Singh, vide order dated 13.04.2011 (**Annexure P-1**) passed by the Assistant Collector, 1st Grade, Thanesar, duly upheld in appeal by the Collector, Kurukshetra vide order dated 25.02.2015 (**Annexure P-2**) and the revisional authority i.e. Commissioner, Ambala Division, Ambala, vide order dated 20.11.2018 (**Annexure P-3**).

It is admitted that the land recorded in the ownership of Gram Panchayat is shown to have been reserved as *charand* land and the findings of unauthorised occupation are based on a demarcation report dated 24.06.2009 produced before the

Assistant Collector, *qua* which concededly no objections were filed. The petitioners claim that they have constructed houses over small portions of the total lands in their respective possession much prior to the year 2000 and are, therefore, entitled to be considered for sale under the amended Rule 12 Sub Rule 4 of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to Haryana) (for short “1964 Rules”).

At the time of hearing, counsel for the petitioners prays for permission to withdraw the present petition to enable his clients first to make an application for allotment under Rule 12 Sub Rule 4 of the 1964 Rules and thereafter, if need be, file a fresh petition.

Dismissed as withdrawn with liberty aforesaid.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

24.05.2019
Vinay-I

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