

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

CWP No.12286 of 2018(O&M)

Date of Decision:-20.05.2019

Kulvir Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Manish Joshi, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioners no.1 to 3, namely, Kulvir Singh, Balvir Singh and Dalbir Singh sons of Gurdial Singh and residents of SAS Nagar Mohali are stated to have purchased agricultural land in village Teera, Block Majri, District SAS Nagar. Petitioner nos.4 to 15, namely, Gurmeet Singh, Santokh Singh, Jasmer Singh, Karnail Singh, Jaswinder Singh, Mohanjit Kaur, Tej Kaur, Harjinder Singh, Pal Singh, Amrik Singh, Naranjan Singh and Bhupinder Singh are residents of said village Teera.

The Gram Panchayat, Teera filed eviction petition under Section 7 of The Punjab Village Common Lands Act, 1961 seeking the ejectment of around 174 residents including all the petitioners from agricultural land comprising around 500 acres recorded as *Shamlat Deh*.

The Collector, SAS Nagar vide order dated 09.06.2015 (Annexure P-4)

evicted almost all residents except Nasib Singh son of Maru Singh (deceased), Gian Singh son of Lachman Singh, Harjinder Singh, Ranjit Singh, Avtar Singh son of Gian Singh, for failure of the evicted persons having produced anything on record to show their cultivating possession prior to 26.01.1950. Since the aforesaid exempted persons had been able to show their cultivating possession prior to 26.01.1950, the eviction petitions qua them were dismissed.

The evicted persons including the petitioners as also the Gram Panchayat filed their separate appeals under Section 7(2) of the 1961 Act before the Joint Development Commissioner, Punjab i.e. Appellate Authority. Those appeals were pending when the present writ petition was filed by the petitioners.

In the instant writ petition, apart from challenging the eviction order, qua which the appeal is stated to be pending, challenge has also been laid to an order dated 3.4.2018 (**P-1**) passed by the State Government, permitting the exchange of land on the basis of resolution dated 9.2.2017 passed by the Gram Panchayat, Teera with Punjab Police Primary Consumer Co-operative Society Ltd., and M/s Innovative Housing Land and Infrastructure Pvt. Ltd., for construction of Group Housing flats for the employees of the said two societies.

It is claimed that the land qua which the petitioners have been evicted and their title suit under Section 11 having been subsequently filed, could not be permitted to be exchanged by the said Gram Panchayat. The appeals qua petitioner nos.1 to 3 were pending whereas qua rest of the petitioners the appeals were allowed vide order dated 2.2.2017 (**P-8 Colly**).

This Court, without issuing any notice, perhaps due to

misjoinder of causes, had asked the Authorities to apprise the Court regarding the status of the pending appeals filed by the evicted persons including the petitioners, against their eviction order (P-4).

Petitioners by filing **CM No.6305 of 2019** have sought to place on record an order dated 2.1.2019 (P-23) whereby the appeal qua petitioner nos.1 to 3, namely, Kulvir Singh, Balvir Singh and Dalbir Singh has been dismissed vide order P-23.

For the reasons stated in the CM duly supported by affidavit of Dalbir Singh, one of the petitioners, the same is allowed and order dated 2.1.2019 (P-23) is taken on record.

Registry to place the same at appropriate place and paginate the paper book accordingly.

After hearing counsel and considering the aforesaid factual background, we are not inclined to accept the present petition in the present form, due to misjoinder of causes.

At this stage, counsel for the petitioners prays for permission to withdraw the present petition to enable his clients to file separate writ petitions bifurcating two set of claims.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 20, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>