

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

CWP 6483/2018

Date of Decision 30.04.2019

Nachhattar Singh and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.PS Khurana,Advocate
 and Mr.BS Gill,Advocate for the petitioners
 Ms.Anu Pal,DAG Punjab for official respondents
 Mr.Baldev Singh Sidhu,Advocate for respondent Gram
 Panchayat
 Mr.VK Sandhir,Advocate for respondents.

Jaswant Singh,J,(Oral).

This common order shall dispose of 6* writ petitions, as detailed in the foot note of this order, as identical facts are involved in these petitions. However, for the sake of clarity,facts are noticed separately, as under:-

CWP 6483/2018

Gram Panchayat of Village Chak Motlawala, Tehsil and District Shri Muktsar Sahib through its Sarpanch filed a petition before DDPO-cum-Collector,Shri Muktsar Sahib under Section 7 of Punjab Village Common Land Regulation Act,1961 (for short 1961 Act) seeking eviction of petitioners from the land detailed in impugned order P-1 being in illegal possession of the land owned by Gram Panchayat. Petitioners contested the said petition. The learned Collector, on the basis of pleadings

of the parties vide order dated 10.8.2017 (P-1) held that petitioners were in illegal possession of the land owned by Gram Panchayat and ordered their dispossession from the same with further orders to pay rent and fine, as detailed in the impugned order. Though further challenge was laid to impugned orders P-1A and P-1A2, however, on 16.3.2018 it was prayed by counsel for the petitioner that instant petition be treated only qua order P-1 dated 10.8.2017.

Initially, petitioners Nachhattar Singh and Gurbhej Singh had filed this writ petition, however, on 16.3.2018, counsel for the petitioner withdrew the petition qua petitioner no.2-Gurbhej Singh with liberty to file a fresh one to challenge the impugned orders. Thus the petition survives only qua petitioner no.1 and that too against impugned order dated 10.8.2017 (P-1). The said order stands already challenged under Section 7 (2) of the 1961 Act in appeal which is fixed for 17.5.2019.

CWP 15347/2018

In this petition, Gram Panchayat Chak Motlawala, Tehsil and District Muktsar Sahib filed a petition under Section 7 of the 1961 Act before DDPO-cum-Collector, Shri Muktsar Sahib seeking ejectment of the petitioner-Baktaur Singh and others from the land fully detailed in the head note of the Annexure P-1 alleging therein that they were in illegal possession of the land owned by Gram Panchayat. Petitioners contested the said petition. The learned Collector, vide impugned order dated 6.2.2018 held that the petitioners were in illegal possession of the suit land and hence ordered their ejectment with further orders to pay rent and fine as detailed in the impugned order.

CWP 9399/2018

In this petition, Gram Panchayat Chak Motlawala, Tehsil and District Muktsar Sahib filed a petition under Section 7 of the 1961 Act before DDPO-cum-Collector, Shri Muktsar Sahib seeking ejectment of petitioner-Nachhattar Singh from the land fully described in head note of Annexure P-1 alleging therein that he was in illegal possession of the land owned by Gram Panchayat. Petitioner contested the said petition. The learned Collector, vide impugned order dated 10.8.2017 held that the petitioner was in illegal possession of the suit land and hence ordered his ejectment with further orders to pay rent and fine as detailed in the impugned order. The said order stand already challenged under Section 7(2) of the 1961 Act in appeal which is fixed for 17.5.2019.

CWP 6519/2018

In this petition, again Gram Panchayat Chak Motlawala, Tehsil and District Muktsar Sahib filed a petition under Section 7 of the 1961 Act before DDPO-cum-Collector, Sri Muktsar Sahib seeking ejectment of petitioner Hardev Singh and others from the land fully detailed in the head note of the Annexure P1 alleging therein that they were in illegal possession of the land owned by Gram Panchayat. Petitioners contested the said petition. The learned Collector vide impugned order dated 10.8.2017 held that the petitioners were in illegal possession of the suit land and hence ordered their ejectment with further orders to pay rent and fine as detailed in the impugned order. The said order stand already challenged under Section 7(2) of the 1961 Act in appeal which is fixed for 17.5.2019.

CWP 11686/2018

In this petition, Gram Panchayat Chak Motlawala, Tehsil and

District Muktsar Sahib filed a petition under Section 7 of the 1961 Act before DDPO-cum-Collector, Shri Muktsar Sahib seeking ejectment of petitioner-Gurbhej Singh and another from the land fully detailed in head note of the Annexure P1 alleging therein that they were in illegal possession of the land owned by Gram Panchayat. Petitioners contested the said petition. The learned Collector vide impugned order dated 10.8.2017 held that the petitioners were in illegal possession of the suit land and hence ordered their ejectment with further orders to pay rent and fine as detailed in the impugned order.

CWP 11736/2018

In this petition too, Gram Panchayat Chak Motlawala, Tehsil and District Muktsar Sahib filed a petition under Section 7 of the 1961 Act before DDPO-cum-Collector, Sri Muktsar Sahib seeking ejectment of petitioner-Hardev Singh and others from the land fully described in the head note of Annexure P-1 alleging therein that they were in illegal possession of the land owned by Gram Panchayat. Petitioners contested the said petition. The learned Collector vide impugned order dated 10.8.2017 held that the petitioners were in illegal possession of the suit land and hence ordered their ejectment with further orders to pay rent and fine as detailed in the impugned order. The said order stands already challenged under Section 7 (2) of the 1961 Act in appeal which is pending adjudication.

At the time of hearing today, learned counsel for the petitioners seek permission to withdraw all these petitions so as to pursue the remedy of appeal pending adjudication before the appropriate authority. Such prayer is not opposed by learned counsel for the respondents.

In view of the above, present bunch of 6* writ petitions are

dismissed as withdrawn with liberty to petitioners to pursue their remedy in accordance with law.

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

(Jaswant Singh)
Judge

30.04.2019
joshi

(Arun Kumar Tyagi)
Judge

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

- 1. CWP 6483/2018 (Nachhattar Singh and anr v State of Punjab & Ors)
- 2. CWP 15347/2018(Harneek Singh v State of Punjab and ors)
- 3. CWP 9399/2018 (Nachhattar Singh and anr v State of Punjab & Ors)
- 4. CWP 6519/2018 (Hardev Singh and ors v State of Punjab and ors)
- 5. CWP 11686/2018 (Gurbhej Singh & Anr v State of Punjab and ors)
- 6. CWP 11736/2018(Kirpal Singh and anr v State of Punjab and ors)