

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

**RSA No.1046 of 2017 (O&M)
Date of Decision.07.02.2019**

Birbal

...Appellant

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Sahu, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

Notice of motion.

Mr. Rohit Arya, AAG, Haryana accepts notice on behalf
of the respondents.

The present regular second appeal is directed against the
concurrent finding of fact whereby suit of injunction in respect of
land measuring 6 kanals 19 marals comprised in khasra Nos.32//19(3-
11) & 20 (3-8), has been dismissed by both the Courts below.

It was averred that order of ejectment passed against the
plaintiff reached to this Court by way of writ petition and the matter
has been remitted. In such circumstances, plaintiff cannot be
dispossessed except in due course of law. The order of ejectment
against 14 persons including plaintiff would not be applicable.
Ejectment proceedings under Section 7 of the Punjab Village
Common Lands Act are still stated to be pending.

In view of the statement made by Mr. Sahu, I am of the
view that in case the proceedings are pending and not culminated into
finality, the appellant cannot be dispossessed except in due course of

law.

With aforementioned observations, the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

February 07, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No