

CWP-40585-2018 (O&M)

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

**CWP-40585-2018 (O&M).
Decided on: January 22, 2019.**

Kashmir Singh

.. Petitioner

VERSUS

Director Rural and Development Panchayat Punjab and others.

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.K.S.Rekhi, Advocate,
for the petitioner.**

JASWANT SINGH, J. (ORAL)

CM-968-CWP-2019

Prayer in the misc. application filed under Section 151
CPC, is for placing on record Annexure P5, copy of jamabandi for the year
2013-14 along with its true translation.

Misc. application is allowed. Annexure P5 is taken on
record.

CWP-40585-2018 (O&M)

CWP-40585-2018

The eleven (11) petitioners are residents of village Wadala Bhittewad, Block Verka, Tehsil and District Amritsar. The Gram Panchayat of the aforesaid village filed an application under Section 7 of the Punjab Common Lands (Regulation) Act, 1961, (for short 'the Act') on 5.6.2017 for their ejectment from the land measuring 22 kanals and 12 marlas comprising in Khasra Nos.56//23/2(4-13) 65/3 min (4-13) 65/8 min (4-13) 65/3 min east as per Jamabandi for the year 2013-14, situated in the village Wadala Bhittewad.

The Collector cum District Vikas and Panchayat Officer, Amritsar, based on the material placed on record, passed order dated 19.1.2018, ordering the ejectment of the petitioners.

The appeal filed by the petitioners also stands dismissed vide order dated 12.10.2018 (Annexure P1), passed by the Director, Village Development and Panchayat Department, Punjab, affirming the claim of the Gram Panchayat being the owner of the land and the petitioners being in illegal possession of the same.

It is claimed that the suit for title, by the petitioners, under Section 11 of the Act, qua the land in question stands filed, concededly, after the passing of the order in appeal i.e. exhausting the statutory remedy, however, no concrete date has been furnished, thus, the benefit of settled principle of law that eviction orders cannot be executed

CWP-40585-2018 (O&M)

during the pendency of title suit, would not enure to petitioner.

At the time of arguments, learned counsel for the petitioners prays for permission to withdraw the instant writ to enable his clients to file a fresh one with more documents.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

January 22, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

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