

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

**Civil Writ Petition No. 40641 of 2018 (O&M)
Date of Decision: 15.01.2019**

Naresh Kumar

..... Petitioner

Versus

Commissioner, Rohtak Division Rohtak and others

..... Respondents

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

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for respondent Nos. 1 to 3/State.

Mr. Ravinder Hooda, Advocate
for respondent Nos. 4 & 5.

JASWANT SINGH, J. (ORAL)

Petitioner (*Naresh Kumar*) is the alleged encroacher of Panchayat land of Gram Panchayat Bathera, Tehsil and District Jhajjar. The eviction petition filed by a resident/Parmod Kumar (respondent No. 5) of the same village under Section 7 of the Punjab Common Land (Regulation) Act, 1961 (for short “The Act, 1961”) against the petitioner, wherein the issue of title was also raised by the petitioner, has been decided by the Assistant Collector First Grade, Jhajjar vide order dated 27.09.2018 (**Annexure P-7**) against the petitioner. The appeal filed has also been decided against the petitioner/appellant vide order dated 18.12.2018 passed by the Collector, Jhajjar/Appellate Authority under “The Act, 1961”.

By filing the present writ petition, the petitioner has raised the grievance that efforts were being made to take forcible possession of the

land in question without supplying the copies of the orders passed by the Collector, Jhajjar/Appellate Authority, to the complete prejudice of the petitioner.

This Court vide order dated 31.12.2018 issued notice of motion for today, while granting interim protection to the petitioner regarding his possession, the said order dated 31.12.2018 reads as under:-

“ Present: *Mr. Karan Singh, Advocate for the petitioner.*

Learned counsel for the petitioner contends that after the appeal filed by the petitioner was dismissed , without supplying a copy of the order, the Collector, vide impugned order dated 26.12.2018, has appointed Duty Magistrate to take possession of the disputed land.

Notice of motion for 15.01.2019.

In the meantime, dispossession of the petitioner shall remain stayed till the time a certified copy of the impugned order is supplied.

(ARVIND SINGH SANGWAN)
JUDGE

31.12.2018

(HARNARESH SINGH GILL)
JUDGE ”

Upon notice, Mr. Ravinder Hooda, Advocate, has put in appearance on behalf of Gram Panchayat, Bathera, Tehsil and District Jhajjar (respondent No. 4), as also on behalf of respondent No. 5 (Permod Kumar) and filed separate power of attorneys in Court today, which are taken on record.

At the time of resumed hearing today, it is revealed that the certified copy of the Appellate Order dated 18.12.2018 has been supplied on 03.01.2019, and the petitioner has filed a revision bearing ER No. 04, dated 08.01.2019 before the Commissioner, Rohtak Division, Rohtak, exercising

the revisional jurisdiction. The said revision is now stated to be listed for first hearing on 21.01.2019.

After hearing counsel for the parties, and the limited prayer made in the present writ petition, it is deemed expedient to dispose of the present writ petition with the directions to the Revisional Authority, Rohtak, to decide the revision at the earliest, and atleast, the stay application within two months thereafter from the next date fixed in the revision. It is also deemed necessary to protect the possession of the petitioner till an order is passed on the stay application in accordance with law.

Accordingly, the present petition is **disposed of** with the **directions** to the Revisional Authority, Rohtak, to decide stay application filed alongwith ER No. 04, dated 08.01.2019 within two months from 21.01.2019 in accordance with law. In case any adverse order is passed, the dispossession of the petitioner from the land in dispute shall be kept in abeyance for ten (10) days from the date of supply of certified copy of the order / as also the final revisional order, as the case may be.

(JASWANT SINGH)
JUDGE

January 15, 2019
'dk kamra'

(ARUN KUMAR TYAGI)
JUDGE

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