

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

CWP-7364-2020

Date of Decision:14.05.2020

Manga

....Petitioner

Vs.

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE JASWANT SINGH**

Present: - Mr. Ravi Malik, Advocate, with
for the petitioner.

.....

RAKESH KUMAR JAIN, J.

Case taken up through Video Conferencing.

The petitioner is aggrieved against the resolution dated 16.04.2020 (Annexure P-10), purported to have been passed by the Gram Panchayat in regard to sale of crop harvested by it from the land in dispute, which is stated to be the property of the Gram Panchayat and in unauthorized possession of the petitioner.

Notice of motion.

At this stage, Mr. Ankur Mittal, Addl. A.G., Haryana, accepts notice on behalf of respondent nos.1 to 4.

In brief, respondent no.5 (Gram Panchayat) had filed a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short "the Act") seeking eviction of the petitioner from the land falling in Khewat No.649/min/663, Khatauni No.881, Rect. No.41, Killa No.20(7-12), 21(7-12), Rect. No.46, Killa No.1/1(4-17), 2(7-0), total 27 Kanals 01 Marla. The Assistant Collector

unsuccessfully challenged by the petitioner in an appeal before the Collector, which was dismissed on 13.06.2019. However, the petitioner has preferred a revision petition before the Commissioner, Karnal Division, Karnal along with an application for stay. The said revision petition and the application for stay are now fixed for hearing on 22.05.2020. In the meantime, since Rabi crop (wheat) was ripe for harvest, the Panchayat, after order of eviction having been passed against the petitioner, harvested the crop and since it was a perishable commodity, sold it in the market and the amount realised was got deposited with the Executive Engineer, Panchayat Samiti, Matlauda vide receipt no.7 dated 22.04.2020.

Counsel for the respondent nos.1 to 4 has submitted that the said amount shall be paid to the party who will ultimately succeed in the revision petition pending before the Commissioner, Karnal Division, Karnal.

Faced with this argument, counsel for the petitioner prays for a direction to the Commissioner, Karnal Division, Karnal, who is seized of the revision petition filed by the petitioner, to make an endeavour to decide the same on the date already fixed, i.e. 22.05.2020 and in case the main revision petition is not likely to be decided, then at least, the application for stay may be decided on that date.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, we dispose of this writ petition with a direction to the Commissioner, Karnal Division, Karnal to decide the application for stay as well as the revision petition filed by the petitioner titled as “Manga vs. Gram Panchayat Village Nain and another” on the date already fixed, i.e. 22.05.2020, through Video Conferencing or any other electronic media. In case the Commissioner finds it difficult to decide the same on the date already fixed, he may give

a date of one week to the parties and decide the same on that date but it is made clear that the directions issued in this order shall be complied with in its letter and spirit by the Commissioner, Karnal Division, Karnal.

(RAKESH KUMAR JAIN)
JUDGE

14.05.2020
Vinod/Vivek*

(JASWANT SINGH)
JUDGE