

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

CWP No.8997 of 2020(O&M)

Date of Decision:-02.07.2020

Managing Committee Dharamshala Samadhanwali (Dera Baba Harigarh) VPO Bopa Rai Tehsil Bholath District Kapurthala through its General Secretary Lakhwinder Singh aged 35 years S/o Surinder Kumar.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Vikas Bali, Advocate for the Petitioner.

JASWANT SINGH, J.

Hearing conducted through Video Conferencing.

Petitioner-Society has been ordered to be evicted from 93 Kanals and 05 Marlas of land situated in the revenue estate of Village Boparai, Tehsil Bholath, District Kapurthala on an application filed by the Gram Panchayat under Section 7 of The Punjab Village Common Land Act, 1961 (hereinafter referred to as the "1961 Act"), vide order dated 12.03.2020 (P-8) passed by the DDPO-cum-Collector Kapurthala-respondent No.3.

In the impugned order it has been noticed that petitioners/its

Mohatamims have already lost their title suit filed under the 1961 Act qua this very land. It is also to be noted that the petitioners were ordered to be proceeded ex-parte in the aforesaid ejectment proceedings after they had appeared and filed their written statements vide orders dated 10.10.2019 (P-7). It is also not in dispute that the petitioners have filed a statutory appeal under the 1961 Act challenging both P-7 & P-8 and is stated to be pending before the Appellate Authority-respondent No.2.

Counsel for the petitioner has made a limited prayer that till the Appellate Authority takes up the appeal, protection should be granted qua taking of possession.

After hearing counsel for the petitioners, we are not inclined to issue such a blanket protection, which in our view would be for the Appellate Authority to consider. Even otherwise, the conduct of the petitioner in abstaining from the ejectment proceedings after filing of the written statement does not require any undue indulgence.

Dismissed.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

July 02, 2020
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>