

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

**CM-11664-CWP-2020 &
CM-12091-CWP-2020 in/and
CWP-15916-2020 (O&M)
Date of Decision: 12.11.2020**

Satbir Singh and others

....Petitioner

Versus

State of Haryana and others

....Respondent

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

Present: Mr. R.S.Manhas, Advocate
for the petitioners.

JASWANT SINGH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The eleven (11) petitioners are before this Court, challenging the execution of warrant of possession pursuant to the Eviction order dated 20.03.2018 passed by the Collector, Yamuna Nagar on the application under Section 7 of the Punjab Village Common Lands Regulation Act, 1961 (as applicable to Haryana) (in short “the 1961 Act”).

It is contended that no doubt the title suit under Section 13-A under the 1961 Act was filed after the eviction orders on 01.05.2018, however, in the light of the order dated 18.07.2018 passed with the consent of the contesting parties in the appeal filed against the Eviction order dated 20.03.2018, the petitioners were entitled to protect their possession during the pendency of the title suit. It is next urged that the pending title suit was dismissed in default on 27.02.2020 and an application for its restoration was filed on the very next day i.e. 28.02.2020, which is stated to be pending, and

thus, the entire action for execution of warrant of possession suffers from mala fide of the respondents-authorities.

Upon notice, Sh. Inderjeet Singh, Advocate has made appearance on behalf of respondent No. 6-Gram Panchayat Basatianwala while State is represented by Mr. Ankur Mittal, Additional Advocate General, Haryana.

This Court vide order dated 30.09.2020 issued notice of motion for 15.12.2020 while permitting the competent authority to take a decision on the application for restoration of the title suit. Vide order dated 28.10.2020, the application for restoration of the title suit was allowed by the competent authority and vide fresh order dated 29.10.2020, the said title suit was dismissed.

Since the Gram Panchayat after the dismissal of the title suit in default, had taken possession, the applicant/petitioners moved CM No. 10344-CWP-2020 seeking inter alia a direction for allowing the applicants to harvest their standing paddy crop. Notice of the said application stands issued to the date fixed in the main case i.e. 15.12.2020.

The Gram Panchayat/respondent No. 6 has also moved CM No. 10465-CWP-2020 seeking the permission of this Court for allowing the Gram Panchyat to auction the harvest on paddy crop. Upon notice of the application for today, at the time of hearing, learned counsel for Gram Panchayat, in view of Clause 63 of the Punjab Land Administrative Manual providing for prohibiting the taking of possession of an agricultural land with the standing crop, concedes that the Gram Panchayat would have no

objection if the applicants are permitted to harvest their paddy crop without insisting upon restitution of the possession of the said agricultural land in accordance with law.

Learned counsel for the Gram Panchyat states that he has no objection and hence, the present writ petition has become infructuous.

In response, learned counsel for the petitioners concedes that for the limited prayer of harvesting the paddy crop, in the wake of aforesaid subsequent development, nothing more would survive for adjudication.

In view of the above, the date of the main writ petition is preponed from 15.12.2020 and is taken up for today.

In view of the aforesaid agreed circumstances, the present writ petition along with all the civil miscellaneous applications are disposed of as infructuous with the direction that the Gram Panchayat/authorities would permit the petitioners to harvest their standing crops under the supervision of Block Development Panchayat Officer concerned without any hindrance.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

12.11.2020
Maninder

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