

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

C.R No. 78 of 2021(O&M)

DATE OF DECISION : 24.03.2021

Babu Lal and others

...Petitioners

Versus

Gram Panchayat, Jui Kala and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Lalit Kumar Yadav, Advocate,
for the petitioners.

Mr. SumitSangwan, Advocate,
for the respondents.

Mr. M. K. Taya, AAG, Haryana,
For respondent No.2.

ARUN MONGA, J. (ORAL)

The petitioners, stated to be persons of below poverty line category, some of them working as Sweepers in the village, claim that they have been throughout residing in the houses/huts built on the land in question, what is alleged to be illegal construction on Gram Panchayat land. They are aggrieved qua non-grant of interim injunction by the trial Court, where, by way of a civil suit, they have challenged the orders passed by the revenue authorities claiming their right to continue living on the land in question.

2. Learned counsel appearing for Gram Panchayat, at the threshold objects to the maintainability of the civil suit itself, being barred by Section 13 of the Punjab Village Common Land Act. He submits that when the suit itself is not maintainable, the trial Court was well within four

corners of law to decline the interim application. He submits that against the orders passed by the revenue authorities, the only remedy available is to seek judicial review before this Court by filing appropriate proceedings in the writ jurisdiction.

3. Being so, on the aforementioned preliminary objection of the learned counsel, the present petition is disposed of with liberty to the petitioners to challenge the orders impugned in the trial Court by way of filing appropriate writ petition before this Court, in case the petitioners are so advised. In order to enable the petitioners to seek appropriate remedy, status quo order dated 19.02.2021 passed in the present proceedings shall operate for a period of 45 days and shall automatically stand vacated unless, of course, any further indulgence is given by appropriate writ Court. Needless to say, civil suit, in that event, would have to be withdrawn by the petitioners.

4. Disposed of accordingly.

MARCH 24, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No