

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Revision No. 1293 of 2020(O&M)

Date of Decision: February 26 , 2021.

Pooran and others

..... PETITIONER (s)

Versus

Gram Panchayat

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Onkar Rai, Advocate
for the petitioners.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this revision petition is for setting aside order dated 04.12.2019 (Annexure P7) passed by the Commissioner, Faridabad Division, Faridabad upholding order dated 26.08.2016 passed by the Assistant Collector 1st Grade, Palwal (Annexure P4) whereby petitioners' application under Order 7, Rule 11 CPC has been dismissed. Respondent-Gram Panchayat filed petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, the 'Act') seeking ejectment of the petitioners.

Petitioners had earlier filed Civil Suit No.1083 of 1996 for a declaration to the effect that they are owners-in-possession of the suit property. Though learned trial court decreed the suit in their favour, appeal filed by respondent-Gram Panchayat was allowed by the learned Additional District

Judge, Faridabad on 06.08.2002. RSA No.3689 of 2002 preferred by the petitioners was dismissed on 19.09.2002. Civil Appeal No.5571 of 2003 filed by the petitioners was also dismissed by the Hon'ble Supreme Court on 30.01.2006, reported in 2006(2) RCR(Civil) 164 vide a detailed judgment holding that petitioners had failed to prove their title to the suit property. Thereafter petitioners filed petition under Section 13A of the Act. Proceedings under Section 7 of the Act were initiated by the Gram Panchayat which were kept in abeyance. It is not in dispute that the petitioners again filed Civil Suit No.271 of 2006, which was dismissed on 17.11.2012. Petitioners' appeal against the said judgment and decree was also dismissed by the learned District Judge, Palwal on 02.07.2014 while imposing Rs.10,000/- as cost.

Plea taken by the petitioners is that during pendency of their petition under Section 13A of the Act, proceedings under Section 7 of the Act could not be undertaken. Petition under Section 13A of the Act was admittedly dismissed on 18.09.2017.

Civil Revision No.8028 of 2017 preferred by the petitioners challenging said order has been dismissed today itself vide a detailed decision. Keepin in view decision dated 26.02.2021 in CR No.8028 of 2017, no ground is made out for any interference in the present revision petition.

Revision petition is, accordingly, dismissed with no order as to cost.

(LISA GILL)
JUDGE

February 26 , 2021.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No