

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10492 of 2021

Date of Decision: 28.05.2021

Zail Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Hardeep Singh, Advocate,
for the petitioners.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

JASWANT SINGH, J. (Oral)

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

By filing the present petition, the seven petitioners namely, Zail Singh, Narinder Singh, Gurvinder Singh, Jarnail Singh, Balwinder Singh, Amarjit Singh and Chajju Singh, resident of Village Mangewal, Block Nabha Tehsil and District Patiala, are seeking a mandamus specifically to DDPO, Patiala and BDPO, Nabha (respondents No.3 & 4) restraining them from auctioning the land in question or in the alternative staying the dispossession of the petitioners.

It is averred that a title suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 was filed by the petitioners with regard to 12 bigha and 10 biswas of land fully described in their application, which along with a bunch was decided against the residents of the village vide a common order dated 29.12.2014 (Annexure P-1) by recording a finding that the applicants have not been able to show their individual actual possession prior to 26.01.1950, which subsequently stood mutated in favour of Nagar Panchayat, as well as it is not disputed that the entries in the jamabandi prior to 1950 recording the nature of the land as

Shamlat deh with possession of Makbuja Malkan i.e. proprietary body.

The stand of the respondent-State is that the applicants/petitioners are in unauthorized possession since 1993.

The statutory appeal along with the application for condonation of delay of 1582 days has been filed and notice has been issued.

In the backdrop of the aforesaid facts, the prayer is being made for at least stay of dispossession in view of the pendency of appeal qua title suit.

After arguing for some time and realizing that this Court is not inclined to grant any relief in the light of the aforesaid facts and the position in law that even a trespasser in settled possession cannot be evicted without following the process of law, learned counsel for the petitioners prays for permission to withdraw the present petition to seek his remedy in accordance with law as and when any cause of action accrues qua forcible dispossession.

Dismissed as withdrawn with the aforesaid liberty.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

28.05.2021
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No