

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

CWP-1084-2020

Date of Decision: September 07, 2022

Ramesh Chand

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Anshul Sharma, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Amit Laller, Advocate for respondents No. 7 and 9.

None for respondent No. 8.

LISA GILL, J.

Grievance raised by the petitioner in this writ petition is that Khera Committee members started illegal construction of new Khera temple after bringing down a wall constructed by previous Panchayat on khasra No. 93/26 situated at village Alahar. Reference is made to an inquiry conducted by respondent No. 4 in which it was found that khasra No. 93/26 belongs to Gram Panchayat and illegal construction was being raised thereon. Petitioner is stated to have complained about the same but no action was taken thereon.

Short reply has been filed by Block Development and Panchayat Officer, Radaur on behalf of respondents No. 1 to 6 wherein it is stated that some of the villagers namely Raj Kumar and others filed a civil suit on

01.04.2016 seeking permanent injunction restraining defendants therein from interfering in religious rights of the plaintiffs and other inhabitants and from creating any obstruction to the renovation of Khera mandir. Status quo was directed to be maintained by the learned Civil Judge (Junior Division), Jagadhari on 07.04.2016. Said suit was, however, withdrawn by Raj Kumar on 20.04.2017. Thereafter, it is submitted that petition under Section 7 (2) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short – ‘the Act’) was filed seeking ejectment of Raj Kumar and others i.e. members of khera mandir. Said petition is still pending adjudication. Delay occurred due to outbreak of pandemic COVID-19 in the interregnum. The matter is now being pursued by the BDPO, Radaur.

Learned counsel for the petitioner submits that at this stage, present writ petition be disposed of with a direction to learned Assistant Collector First Grade, Radaur to decide the matter in a time bound manner.

Keeping in view the facts and circumstances as above but without expressing any opinion on the merits of the matter, this petition is disposed of with a direction to the competent authority to decide petition under Section 7 (2) of the Act expeditiously and definitely within a period of three months from the date of receipt of certified copy of this order after affording opportunity of hearing to all concerned parties.

(LISA GILL)
JUDGE

September 07, 2022
Rts

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No