

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

**CWP No.1946 of 2019 (O&M)**  
**Date of Decision: 01.12.2022**

**Sombir**

..... Petitioner(s)

**Versus**

**State of Haryana and others**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**  
**HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Jagdeep Singh Rana, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

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**LISA GILL, J.**

Prayer in this writ petition is for setting aside order dated 28.08.1992 (Annexure P-1), passed by the Assistant Collector, 1<sup>st</sup> Grade, Loharu, whereby ejectment of the petitioner from land alleged to be that of the Gram Panchayat has been ordered as well as order dated 01.03.2018 (Annexure P-6), passed by the Collector, Bhiwani and order dated 18.09.2018 (Annexure P-7), passed by the learned Divisional Commissioner, Rohtak Division whereby petitioner's ejectment has been upheld.

Shorn of unnecessary details, suffice it to say that the sole argument raised by learned counsel for the petitioner at this stage is that petition under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 [now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021] (hereinafter referred to as the '1961 Act'), filed by the petitioner claiming title to the property is pending adjudication before the Collector, Bhiwani on 08.12.2022, therefore, ejectment of the petitioner at this stage pursuant to the impugned orders shall cause manifest injustice to the petitioner and is in fact unjustified. Learned counsel further submits that there would be no delay on the part of the petitioner or his counsel for the expeditious disposal of the proceedings

under Section 13-A of the 1961 Act before the Collector, Bhiwani.

Pendency of the proceedings under Section 13-A of the 1961 Act is affirmed and verified by learned counsel for the State.

Keeping in view the facts and circumstances as above but without any expression of opinion on the merits of the matter, this writ petition is disposed of with a direction to the Collector, Bhiwani to finally decide the petition under Section 13-A of the 1961 Act, in accordance with law, expeditiously and preferably within three months of the next date of hearing before it.

Till then operation of the impugned orders be kept in abeyance. Needless to say, necessary action can thereafter be taken in consonance with the decision of the petition under Section 13-A of the 1961 Act.

**(LISA GILL)**  
**JUDGE**

**(RITU TAGORE)**  
**JUDGE**

**01.12.2022**

Sunil

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