

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7891 of 2019(O&M)
Date of Decision:21.12.2022

Tara Chand and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. J.S.Rana, Advocate
for the petitioners.

Mr. Amit Aggarwal, DAG., Haryana.

LISA GILL, J(Oral).

It is submitted that ejectment of the petitioners from the land in question had been ordered by the Assistant Collector Ist Grade, Loharu, vide order dated 28.08.1992, Annexure P-1, on a petition filed by the respondent-Gram Panchayat under Section 7 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'). Appeal filed by the petitioners was rejected vide order dated 25.09.2018, Annexure P-6, passed by the Collector, Bhiwani and revision against the said order has also been dismissed by the Divisional Commissioner, Rohtak Division, Camp Bhiwani, vide order dated 11.12.2018, Annexure P-7. Aggrieved therefrom, present writ petition has been filed.

Shorn of unnecessary details, suffice it to say that the sole

argument raised by learned counsel for the petitioners to challenge the impugned orders directing ejectment of the petitioners 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 petitioners claiming title to the property is pending adjudication before the Collector, Bhiwani, therefore, ejectment of the petitioners 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 petitioners or their counsel to hamper 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 especially the fact that the ground of challenge to the impugned orders is petitioners claim of title to the land in dispute, this writ petition is disposed of without any expression of opinion on the question of title to the property as claimed by the petitioners, 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 be taken thereafter in consonance with the decision of the petition under Section 13-A of the

1961 Act i.e. in case, the said petition is decided in favour of the petitioners, the impugned orders shall be rendered a nullity and in case of an order adverse to the petitioners, impugned orders be enforced.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 21, 2022.
s.khan

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