

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7855 of 2022(O&M)
Date of Decision:12.09.2022

Parkash Chand

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.AG., Haryana.

LISA GILL, J(Oral).

Prayer in this writ petition is for staying operation of order dated 23.11.2021, Annexure P-3, during pendency of the appeal filed by the petitioner challenging the same, whereby warrant of possession was issued for the land in question. Said appeal is stated to be pending before the learned Commissioner, District Faridabad, Camp at Nuh.

It is submitted that order dated 23.11.2021, was passed by the learned District Revenue Officer-cum-Assistant Collector 1st Grade, Nuh, whereby warrants of possession *qua* the land in question were issued on the basis of order dated 05.02.2020 which has no concern whatsoever with eviction proceedings. Copy of order dated 05.02.2020 is annexed along with this petition as Annexure P-7.

While noting contentions on behalf of the petitioner, following order was passed on 22.04.2022:-

“Learned counsel for the petitioner submits that the order dated 05.02.2020 has no connection whatsoever with regard to the proceedings initiated under Section 7 for eviction under The Punjab Village Common Lands (Regulation) Act, 1961, by the Gram Panchayat. The order dated 23.11.2021 (Annexure P-3) passed by the District Revenue Officer-cum- Assistant Collector 1st Grade, Mewat-Nuh, relates to proceedings under Section 7 of the said Act. The said order does not indicate the same as the mention therein is of the order dated 05.02.2020 which has been placed on record by the petitioner as Annexure P-7 today.

Let the counsel for the State verify as to whether the order dated 23.11.2021 (Annexure P-3) passed by the District Revenue Officer-cum-Assistant Collector 1st Grade, Nuh, relates to proceedings under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961.”

Short reply by way of affidavit dated 12.09.2022 of Mr. Kuljeet Singh Dahiya, Block Development and Panchayat Officer, Nuh and Administrator of Gram Panchayat Badoji-respondent no.5, on behalf of respondents no.1 to 5, filed in Court today is taken on record subject to just exceptions.

Learned counsel for the respondent-State while referring to para no.5 of the said affidavit dated 12.09.2022, submits that there is in-fact no order dated 05.02.2020 with regard to proceedings initiated under Section 7 for eviction of the petitioner under The Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana (for short ‘the Act’), therefore, impugned order dated 23.11.2021, Annexure P-3, stands withdrawn and the matter shall be decided on merits under Section 7 of the Act after affording proper opportunity of hearing to all the

concerned/affected parties.

In this view of the matter, learned counsel for the petitioner submits that this writ petition is rendered infructuous.

Ordered accordingly.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

September 12, 2022.
s.khan

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