

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

CWP-15383-2022

Date of Decision: October 27, 2022

DHARAMPAL SINGH AND OTHERS

..... Petitioners

Versus

**THE DIRECTOR. RURAL DEVELOPMENT AND PANCHAYAT
DEPARTMENT, PUNJAB AND OTHERS**

..... Respondents

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

Present: Mr. Vinod Kumar, Advocate for the petitioners.

Mr. Sandeep Jain, Addl. AG, Punjab.

LISA GILL, J.

Prayer in this writ petition is for quashing of warrant of possession dated 05.05.2022 (Annexure P11) issued by Block Development and Panchayat Officer, Hoshiarpur – respondent No. 4.

Learned counsel for the petitioners submits that petitioners have been in continuous possession of the suit property much prior to 26.01.1950. Application under Section 7 of the Punjab Village Common Lands (Regulation) Act,,1961 (for short – ‘PVCL Act’) filed by the Gram Panchayat was incorrectly allowed on 11.09.2008. Thereafter, petitioners filed a petition under Section 11 PVCL Act claiming title. Said petition, it is contended, is still pending before the competent authority. Application regarding stay, it is contended, has also been filed alongwith the petition under Section 11 of PVCL Act but the same remains

undecided. Therefore, in case warrant of possession dated 05.05.2022 is executed during the pendency of this petition, the same would be rendered infructuous and irreparable loss will be caused to the petitioners. It is, thus, prayed that warrant of possession dated 05.05.2022 be set aside.

It is to be noticed that vide order dated 08.08.2022, above said contention on behalf of the petitioner was recorded and respondents were directed to file specific affidavit in this regard with status quo regarding possession being directed to be maintained. It was further ordered that respondent No. 2 shall expedite the proceedings as pending under Section 11 of PVCL Act and would make an endeavour to conclude the same within a period of two months.

Short reply by way of affidavit dated 27.10.2022 filed in Court today is taken on record subject to just exceptions.

Learned counsel for the State points out that it is the petitioners, who are in fact delaying the matter. Last opportunity has now been granted to the petitioners to lead their evidence on 02.11.2022. Learned counsel for the petitioners submits that petitioners undertake to conclude their evidence on 02.11.2022 and if required, one more opportunity be granted to them and that there would be no question of any delay on the part of the petitioners.

Having heard learned counsel for the parties, this writ petition is disposed of with the direction that petitioners shall conclude their evidence on 02.11.2022 and if required, one more opportunity be afforded to them to conclude the same. Due opportunity be afforded to the respondents as well. Petition filed by the petitioners under Section 11 of the PVCL Act, be decided by respondent no. 2 expeditiously and definitely within a period of three months

from 02.11.2022. Till then, warrant of possession dated 05.05.2022 be kept in abeyance.

It is clarified that there is no expression of opinion on the merits of the case.

(LISA GILL)
JUDGE

October 27, 2022
Rts

(HARSH BUNGER)
JUDGE

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