

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19807 of 2021(O&M)
Date of Decision:21.12.2022

Gurdarshan Singh and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

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

Present: None for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab.

Ms. Urvashi Singh, Advocate
for Ms. Amarjit Kaur, Advocate
for respondent no.6.

LISA GILL, J(Oral).

Prayer in this writ petition is for setting aside order dated 19.02.2013, Annexure P-1, passed by respondent no.4, whereby ejectment of the petitioners has been ordered in the proceedings initiated by the respondent-Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act and order dated 17.06.2021, Annexure P-2, passed by respondent no.3, whereby appeals filed by the petitioners against order dated 19.02.2013, Annexure P-1, have been dismissed.

Notice of motion had been issued in this writ petition on 30.09.2021 while noting the contentions on behalf of the petitioners as under:-

“Learned counsel for the petitioners has submitted that while filing the appeal, which has been preferred by the petitioners, the Appellate Authority was made aware of the fact that the proceedings under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 had been initiated by the petitioners, which are pending consideration before the Divisional Deputy Director, Rural Development and Panchayat, Patiala exercising the powers of the Collector, wherein the notice has been issued to the Gram Panchayat and status-quo has been ordered to be maintained regarding the land in question vide order dated 20.05.2020, which was to be continued till 03.06.2020. Thereafter, till date, no reply has been filed by the Gram Panchayat and the next date of hearing before the said authority is 04.10.2021.

Learned counsel for the petitioners contends that in the light of the provisions as contained in Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, when proceedings under Section 11 for determination of the title of the property is pending, the petition under Section 7 is to be kept in abeyance. He, thus, contends that the impugned order dated 17.06.2021 (Annexure P-2) does not sustain.”

It was further directed that impugned orders be not executed till the next date of hearing i.e., 11.10.2021.

The matter was then adjourned at request of learned counsel for respondent no.6, with interim order to continue till the next date of hearing.

None appeared on behalf of the petitioners on 10.10.2022 and the matter was adjourned to 11.10.2022. When again, there was no representation on behalf of either the petitioners or respondent no.6, the matter was adjourned to 19.10.2022 with a direction that learned counsel for the petitioners and respondent no.6 be notified of the date fixed

None appeared on the next two occasions as lawyers had suspended work. Thereafter, when the matter was taken up on 24.11.2022,

there was again no representation on behalf of the petitioners.

Today, yet again there is no representation on behalf of learned counsel for the petitioners despite the matter being called twice. Petition under Section 11 of the Act, it is informed, has been dismissed in default on 19.12.2022. It appears that the petitioners are not interested in pursuing the matter any longer.

Writ petition is accordingly dismissed in default and for non prosecution.

Copy of this order be conveyed at the address of the petitioners given in the memo of parties.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 21, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.