

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 21061 of 2019(O&M)  
Date of Decision:01.12.2022

**Dalbara Singh and another**

.....Petitioner

Versus

**State of Punjab and others**

..... Respondents

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

Present: Mr.Digvijay, Advocate  
for Mr. Ashish Gupta, Advocate  
for the petitioners.

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

Mr. BS.Ichhewal, Advocate  
for respondent no.4.

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**LISA GILL, J(Oral).**

**CM-14482-CWP of 2022.**

Annexure A-1, is taken on record subject to just exceptions.

Application is accordingly disposed of.

**CWP No. 21061 of 2019.**

Prayer in this writ petition is for setting aside order dated 26.09.2018, Annexure P-14, passed by the Joint Development Commissioner (I.R.D) Punjab (exercising the powers of Commissioner), whereby ejection of petitioners from land purported to that of the Gram Panchayat has been ordered, as well as order dated 10.07.2019, Annexure P-17, whereby appeal filed by the petitioners has been dismissed.

It is pleaded that question of title was raised in this matter and petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (now Haryana Village Common Lands (Regulation) Act, 1961 as

notified on 05.04.2021 (for short 'the Act'), filed by the petitioners has been allowed in their favour by the Divisional Deputy Director, Rural Development and Panchayat (exercising the powers of Collector), Patiala, vide order dated 13.12.2021, Annexure A-1, therefore, impugned orders are not sustainable.

Learned counsel for respondent no.4 while not denying passing of order dated 13.12.2021, Annexure A-1, submits that an appeal has been filed by the respondent-Gram Panchayat, challenging the said order, though no interim order has been passed in the said appeal.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide the pending appeal filed by the respondent-Gram Panchayat challenging order dated 13.12.2021, expeditiously and preferably within three (03) months from receipt of certified copy of this order after affording due opportunity to all concerned.

Till then, impugned orders shall necessarily be kept in abeyance. Needless to say, necessary action in consonance with the order passed in said proceedings be taken by the competent authority as it is apparent that in case of title being finally decided in favour of the petitioners, impugned orders shall be unsustainable.

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

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

**December 01, 2022.**  
s.khan

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