

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

CWP-19346-2020 (O&M)

Date of Decision: October 11, 2022

URMILA DEVI THROUGH LRS AND OTHERS

..... Petitioners

Versus

**THE DIRECTOR RURAL DEVELOPMENT AND PANCHAYAT
DEPARTMENT, PUNJAB AND ORS**

..... Respondents

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

Present: Mr. Rai Singh Chauhan, Advocate
Mr. Rohit Sapehiya, Advocate and
Ms. Deepika Chauhan, Advocate for the petitioners.

Mr. Sandeep Jain, Addl. AG, Punjab.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 28.02.2020 (Annexure P18) passed by the learned Director Rural Development and Panchayat Department, Punjab (exercising the powers of Commissioner) as well as order dated 29.09.2016 (Annexure P14) passed by the District Development and Panchayat Officer-cum-Collector, Hoshiarpur, whereby petition under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961 (for short – ‘PVCL Act’) filed by the Gram Panchayat has been allowed and ejectment of the petitioners has been ordered.

Learned counsel for the petitioners submits that petitioners have wrongly been concluded to be in illegal occupation of Gram Panchayat land whereas petitioners/their predecessor-in-interest have been in possession of the land in question prior to 1950 and it is wrongly concluded that the petitioners failed to prove their continuous possession of land prior to 26.01.1950. Learned counsel for the petitioners primarily argues that proceedings under Section 11 of the PVCL Act were initiated by the petitioners and are still pending adjudication and that the petitioners have a good prima facie case in their favour in the petition under Section 11 of the PVCL Act and are likely to succeed therein. Thus, manifest injustice shall be caused in case their ejection is caused in the interregnum.

Perusal of the file reveals that vide order dated 18.05.2022 passed in this writ petition, it was directed that the Additional Deputy Commissioner, Hoshiarpur exercising the powers of Collector shall proceed to decide the petition within a period of three months. Three opportunities were ordered to be granted to the petitioners to complete their evidence and similarly five opportunities granted to the respondent – Gram Panchayat to produce its evidence. Status quo regarding possession was directed to be maintained till the next date.

Learned counsel for the State, on instructions from Sh. Sukhpreet Pal Singh, BDPO, Talwara, Hoshiarpur informs that evidence has been led by both the parties and the matter is now listed before the Additional Deputy Commissioner, Hoshiarpur for 17.10.2022 for arguments and that the petition would be decided within a period of thirty (30) days thereafter.

Keeping in view the facts and circumstances as above, at this stage, it is directed that petition under section 11 of the PVCL Act be decided by the Additional Deputy Commissioner, Hoshiarpur within a period of thirty (30) days from the date fixed before it in accordance with law, as per the evidence brought on record by the parties. Till then, operation of the impugned orders dated 29.09.2016 and 28.02.2020 be kept in abeyance and status quo regarding possession be maintained.

Writ petition is, accordingly, disposed of.

(LISA GILL)
JUDGE

October 11, 2022

Rts

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No