

(103+210)

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

**CM-18310-CWP-2022 in/and
CWP-27398-2016**

Date of Decision: 23.11.2022

Avtar Singh and others

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

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

Present: Mr. Pawan Kumar Sharma, Advocate for the petitioners.

Mr. Sandeep Jain, Addl. Advocate General, Punjab.

Mr. Manish Joshi, Advocate for respondent No.4.

LISA GILL, J.

CM-18310-CWP-2022

Prayer in the application is for impleading legal representatives of petitioner No.1–Avtar Singh, who is stated to have died on 06.02.2019. He is stated to be survived by his legal representatives as detailed in para 4 of the application.

Learned counsel for the State as well as respondent No.4 do not raise any objection to the prayer addressed.

Application, duly supported by an affidavit of the applicant, is allowed as prayed for. Legal representatives of petitioner No.1- Avtar Singh, as detailed in para 4 of the application, are brought on record for the purpose of pursuing this writ petition, subject to just exceptions. Amended memo of parties annexed alongwith the application, is taken on record, subject to just exceptions.

Application is disposed of.

CWP-27398-2016

The petitioners have challenged orders dated 09.12.2014 (Annexure P-12) passed by Block Development and Panchayat Officer (exercising the powers of Collector) and 29.09.2016 (Annexue P-19), passed by Joint Development Collector, whereby the petition under Section 7 of Punjab Village Common Lands (Regulation) Act (hereinafter referred to as “the Act”) filed by

the respondent-Gram Panchayat has been allowed and appeal under Section 7(2) of the Act has been dismissed.

At the time of issuance of notice of motion on 09.01.2017, status quo regarding possession was directed to be maintained. Thereafter, the said order was modified to the extent that in case petitioners are in possession, they will have to furnish security of mesne profit to the satisfaction of the District Collector, SAS Nagar, Mohali within one month of the order i.e. 31.05.2017. Subsequently, vide order dated 27.08.2018, liberty was afforded to the petitioners to carry out necessary compliance regarding deposit of the mesne profits while specifically observing that deposit should be made at the first instance before the matter is heard on merits.

Admittedly, the petitioners did not deposit the mesne profits as determined. Interim order granted in favour of the petitioners was specifically vacated on 07.11.2019 in view of non-deposit of the mesne profits. Pursuant thereto, possession of the land in question, it is informed, was taken over and the same has thereafter been auctioned and given on lease to other persons.

Learned counsel for respondent No.4 further informs that the petition under Section 11 of the Act filed by the petitioners stands dismissed in default on 11.11.2022.

Keeping in view the facts and circumstances as above, we find no ground to interfere in this matter. Writ petition is accordingly dismissed. Needless to say that the petitioner, if so advised, is always at liberty to file an appropriate application for restoration of petition under Section 11 of the Act in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

23.11.2022
Anjal

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No