

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

- 1). **CWP-683-2021**
Date of Decision: 24.11.2022

VEER SINGH Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 2). **CWP-20910-2020**

GURJANT SINGH Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 3). **CWP-4677-2021**

DARSHAN SINGH NUMBERDAR Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 4). **CWP-5003-2021**

NACHATTAR SINGH Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 5). **CWP-5528-2021**

KIRPAL SINGH AND ANOTHER Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 6). **CWP-8346-2021**

HARDEV SINGH AND OTHERS Petitioner(s)
Versus
STATE OF PUNJAB AND OTHERS Respondent(s)
- 7). **CWP-6833-2021**

NACHATTAR SINGH 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. G.L. Bajaj, Advocate,
Mr. Navjot S. Wahniwal and
Mr. B.S. Gill, Advocate, for the petitioners.

Mr. K.S. Kang, Sr. DAG, Punjab.

Mr. R.K. Girdhar, Advocate and
Mr. Chirag Girdhar, Advocate, for respondent no.4.

LISA GILL, J.

This order shall dispose of CWP-683-2021, CWP-20910-2020, CWP-4677-2021, CWP-5003-2021, CWP-5528-2021, CWP-8346-2021 and CWP-6833-2021 as a common question is raised for consideration in all the writ petitions, which are being taken up together for hearing and decision at request and with consent of learned counsel for the parties.

In all these writ petitions challenge is to separate orders allowing the petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the Act), filed by the respondent-Gram Panchayat, directing ejectment of the petitioner/s from the land in question. Orders dismissing the appeals filed by the petitioners under Section 7(2) of the Act are also under challenge. Details of the orders passed in the separate writ petitions are as under:-

CWP NUMBER	Date of impugned order in the petition under Section 7 of the Act, ordering ejectment of the petitioners	Date of impugned order dismissing petitioner/s appeal under Section 7(2) of the Act.
(i). CWP-683-2021	6.2.2018	2.6.2020
(ii).CWP-20910-2020	10.8.2017	2.6.2020
(iii).CWP-4677-2021	10.8.2017	2.6.2020
(iv).CWP-5003-2021	10.8.2017	18.2.2020
(v) CWP-5528-2021	10.8.2017	2.6.2020
(vi) CWP-8346-2021	10.8.2017	2.6.2020
(vii) CWP-6833-2021	10.8.2017	18.2.2020

Petitioners in all the matters, it is submitted filed petitions under Section 11 of the Act, claiming title to the property in question. Petitions under Section 11 of the Act filed by the petitioners in CWP Nos.20910 of 2020, 683, 4677, 5528 and 8346 of 2021 are stated to be pending adjudication before the Additional Deputy Commissioner, Sri Muktsar Sahib. Petitions under Section 11 of the Act filed by the petitioners in CWP Nos. 5003 and 6833 of 2021, it is submitted, have since been allowed. Appeals filed by the Gram Panchayat, challenging said orders allowing the petition/s under Section 11 of the Act are stated to be pending adjudication before the Director, Rural Development and Panchayats Department, SAS Nagar (Mohali).

It is submitted that the impugned orders have been passed in a casual and routine manner without any advertence to the factual aspect of each case.

The sole ground raised in these writ petitions before this Court at the time of arguments is that when question of title has been raised and the same having been decided in favour of the petitioners in two of the writ petitions, proceedings under Section 7 of the Act could not have culminated in ejectment orders. Furthermore, it is submitted that during pendency of petitions under Section 11 of the Act, filed by the petitioners in the other writ petitions, ejectment of petitioners therein from the land in question would cause grave injustice. Learned counsel for the petitioners submits that sufficient evidence has been placed on record before the authorities to prove that petitioners/their predecessors in interest, have been in possession of the land in question prior to 1950, therefore, ejectment of the petitioners from the said land has been wrongly ordered.

Learned counsel for the respondents affirmed and verified pendency of the petitions under Section 11 of the Act in five of the writ petitions as detailed in the foregoing paras besides the petitions under Section 11 of the Act filed by the petitioners in CWP Nos.5003 and 6833 of 2021 being allowed. Appeal/s against the said orders filed by the respondent-Gram Panchayat is/are verified to be pending.

Keeping in view the facts and circumstances as above but without expressing any opinion on the merits of the matter, all the seven writ petitions are disposed of with the direction that pending petitions under Section 11 of the Act as well as the appeal/s challenging the order/s stated to have been passed in the petitions under Section 11 of the Act in favour of petitioners in CWP Nos.5003 and 6833 of 2021 be decided by the competent authority within a period of three months from receipt of certified copy of this order. Till then operation of the impugned orders be kept in abeyance. Necessary action thereafter can be taken in consonance with the orders, which may be passed in the proceedings under Section 11 of the Act. Needless to say, the party as aggrieved in the said proceedings would be at liberty to avail the remedy/remedies available in accordance with law.

A photocopy of this order be placed on the files of above mentioned connected cases.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

24.11.2022

Sunil

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