

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19472 of 2022(O&M)

Date of Decision:27.09.2022

Kartar Singh

.....Petitioner

Versus

Joint Development Commissioner and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MR. HARSH BUNGER

Present: Mr.J.S.Bhandohal, Advocate
for the petitioner.

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

Mr. Gurmanpreet Singh, Advocate
for respondent no.3-Gram Panchayat.

LISA GILL, J(Oral).

Petitioner has filed this writ petition challenging order dated 17.05.2022, Annexure P-6, passed by the learned Collector, in the petition filed by respondent no.3-Gram Panchayat-Rajpura, Tehsil Nabha, District Patiala, under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act').

Learned Collector, vide impugned order dated 17.05.2022, Annexure P-6, has directed that cultivation of land, sowing of crop and raising any kind of construction, would remain stayed till further orders. Present writ petition has been filed after over three months on 27.08.2022 challenging the said order on the ground that learned Collector has no jurisdiction to stay cultivation of land or sowing of crop by way of an interim direction. It is further submitted that petition under Section 11 of the Act, filed by the petitioner was dismissed on 07.12.2021 and appeal challenging the same is pending adjudication. Thus, this interim direction is

beyond the jurisdiction of the learned Collector.

Perusal of the file reveals that petition under Section 11 of the Act filed by the petitioner's father namely Naranjan Singh *qua* the same land was dismissed on 04.09.1989. Appeal filed by him against the same was dismissed on 19.08.1992. Civil Writ Petition filed by petitioner's father challenging the said orders was also dismissed on 25.11.2013. Ejectment order was passed against the petitioner's father on 25.01.1990, but not executed for some reason best known to the authorities.

As per affidavit dated 23.09.2022 of petitioner-Kartar Singh, pursuant to passing of impugned order dated 17.05.2022, petitioner has not sown the paddy crop, though crop of Makki, Chari, Bajra and Jhijan etc., is stated to be present.

Keeping in view the factual matrix of the case, where impugned order was passed on 19.05.2022 but the present writ petition has been filed on 27.08.2022, admittedly well after the paddy sowing season is over, we do not deem it proper to delve into the controversy, at this stage. However, in the peculiar circumstances, learned District Development and Panchayat Officer-cum-Collector, Patiala, is directed to conclude the proceedings initiated by the respondent-Gram Panchayat under Section 7 of the Act, within two months of receipt of certified copy of this order.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

September 27, 2022.
s.khan

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