

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 28558 of 2018(O&M)
Date of Decision:08.12.2022

Nirmal Singh

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Addl.AG., Haryana.

LISA GILL, J(Oral).

Prayer in this writ petition is for setting aside order dated 11.11.2010, Annexure P-1, whereby petition under Section 7 (2) 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'), has been allowed and ejectment of the petitioner from the land in question has been ordered. Further, prayer is for setting aside orders dated 21.09.2011, Annexure P-3, passed by the Collector, Kurukshetra and order 22.09.2017, Annexure P-5, passed by the Commissioner, Ambala Division, whereby appeal and revision, respectively, filed by the petitioner's father, have been dismissed, despite the fact that proceedings under Section-13-A of the Act, are pending.

It is submitted that the impugned orders directing ejectment of

the petitioner from the land in question have been incorrectly and erroneously passed. Petitioner has raised the question of title and his petition under Section 13-A of the Act is pending before the Financial Commissioner (Revenue). It is submitted that in case, petitioner is evicted from the land in question during the pendency of petition under section 13-A of the Act, irreparable loss and manifest injustice, shall be caused to him.

Shorn of unnecessary details, suffice it to say that the sole argument raised by learned counsel for the petitioner to challenge the impugned orders directing ejectment of the petitioner is that petition under Section 13-A of the Act, filed by the petitioner claiming title to the property is pending adjudication before the Financial Commissioner (Revenue) on 09.12.2022, therefore, ejectment of the petitioner at this stage pursuant to the impugned orders shall cause manifest injustice to the petitioner and is in fact unjustified. Learned counsel further submits that there would be no delay on the part of the petitioner or his counsel for the expeditious disposal of the proceedings under Section 13-A of the Act, before the Financial Commissioner (Revenue).

Pendency of the proceedings under Section 13-A of the Act is affirmed and verified by learned counsel for the respondent-State.

Keeping in view the facts and circumstances as above, especially the fact that the ground of challenge to the impugned orders is petitioner's claim of title to the land in dispute, this writ petition is disposed of without any expression of opinion on the question of title to the property as claimed by the petitioner, with a direction to the Financial Commissioner (Revenue), to finally decide the petition under Section 13-A of the Act, in accordance with law, expeditiously and preferably within four (04) weeks of the next date of hearing before it.

Till then, operation of the impugned orders be kept in abeyance. Needless to say, necessary action be taken thereafter in consonance with the decision of the petition under Section 13-A of the Act i.e., in case, the said petition is decided in favour of the petitioner, the impugned orders shall be rendered nullity and in case of an order adverse to the petitioner, impugned orders be enforced.

(LISA GILL)
JUDGE

December 08, 2022.
s.khan

(RITU TAGORE)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.