

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

CWP-22336-2022

Date of Decision : December 12, 2022

SHRI BHAGWAN AND ORS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

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

Present: Mr.Aditya Yadav, Advocate for the petitioners.

LISA GILL, J.

This writ petition has been filed for setting aside order dated 12.03.2018 passed by the Assistant Collector First Grade, Mahendergarh directing ejectment of the petitioners in the petition under Section 7 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 – ‘1961 Act’)] filed by the respondent – Gram Panchayat. There is a further prayer for directing the respondents to release land in question in favour of the petitioners in view of provisions of Section 5A of the 1961 Act. It is a matter of record and not denied that the petitioners have not challenged order dated 12.03.2018 before an appropriate Forum. Moreover, the fact that there is a prayer for invocation of provisions of Section 5A of

the 1961 Act, encroachment over Gram Panchayat land by the petitioners appears to be admitted, thus calling for no intervention.

At this stage, learned counsel for the petitioners seeks to withdraw this writ petition with liberty to the petitioners to pursue the matter with the authorities for benefit/relief under Section 5A of the 1961 Act in accordance with law.

Writ petition is accordingly, dismissed as withdrawn with liberty as aforementioned.

It is clarified that there is no expression of opinion on the question of entitlement of the petitioners under the said provisions.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 12, 2022
rts

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