

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27534 of 2022 (O&M)

Date of Decision: 02.12.2022

Krishan Kumar and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

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

Present: Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 28.08.1992 (Annexure P-1), passed by the Assistant Collector, 1st Grade, Loharu, whereby ejectment of the petitioners from land alleged to be that of the Gram Panchayat has been ordered as well as order dated 01.03.2018 (Annexure P-6), passed by the Collector, Bhiwani and order dated 18.09.2018 (Annexure P-7), passed by the learned Divisional Commissioner, Rohtak Division whereby petitioner's ejectment has been upheld. In this writ petition petitioners have further challenged order dated 03.07.2019 (Annexure P-11), passed by the Financial Commissioner, Haryana whereby revision petitions filed by the petitioners and others under Section 13AA of the Punjab Village Common Lands (Regulation) Act, 1961 [now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021] (hereinafter referred to as the '1961 Act'), were dismissed as well as order dated 15.01.2020 (Annexure P-13) whereby applications for recalling the order dated 03.07.2019 were dismissed.

Shorn of unnecessary details, suffice it to say that the sole argument raised by learned counsel for the petitioners to challenge the impugned orders directing ejectment of the petitioners is that petition under Section 13-A of the Act, filed by the petitioners claiming title to the property is pending adjudication before the Collector, Bhiwani on 08.12.2022, therefore, ejectment of the petitioners at this stage pursuant to the impugned orders shall cause manifest injustice to the petitioners and is in fact unjustified. Learned counsel further submits that there would be no delay on the part of the petitioners or their counsel for the expeditious disposal of the proceedings under Section 13-A of the 1961 Act before the Collector, Bhiwani.

Pendency of the proceedings under Section 13-A of the 1961 Act is affirmed and verified by learned counsel for the State.

Keeping in view the facts and circumstances as above especially the fact that the ground of challenge to the impugned orders is petitioners' 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 petitioners, with a direction to the Collector, Bhiwani to finally decide the petition under Section 13-A of the 1961 Act, in accordance with law, expeditiously and preferably within three months 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 1961 Act i.e. in case, the said petition is decided in favour of the

petitioners, the impugned orders shall be rendered a nullity and in case of an order adverse to the petitioners, impugned orders be enforced.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

02.12.2022
Sunil

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