

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 29462 of 2022(O&M)
Date of Decision:20.12.2022

Ali Sher and others

.....Petitioners

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 petitioners.

Mr. Raman Sharma, Addl.AG., Haryana
for respondents no.1 to 4.

LISA GILL, J(Oral).

Prayer in this writ petition is restraining the respondents from dispossessing the petitioners from the land in question during the pendency of revision petition along with stay application dated 14.12.2022, Annexure P-3, filed by the petitioners.

It is submitted that application 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') filed by the private respondents against the petitioners, was dismissed on 25.04.2005. Gram Panchayat filed an appeal after seventeen long years on 06.07.2022, which has been allowed on 10.11.2022, directing

ejection of the petitioners from the land in question. The petitioners, it is submitted have filed a revision petition challenging the said order. Petitioners had raised the question of title. An application for interim relief has also been filed alongwith the revision petition.

Grievance raised by the petitioners is that their application for interim relief is not being heard, but still warrant of possession, Annexure, P-4, has been issued on 15.12.2022. It is submitted that revision petition filed by the petitioners would be rendered infructuous, in case fair hearing is not afforded to the petitioners and possession of the land in question is taken causing manifest and irreparable injustice to the petitioners.

Notice of motion to respondents no.1 to 4, only, at this stage. Notice is not being issued to respondents no.5 to 7 in view of the nature of the order being passed and to obviate any further delay.

Advance copy of the writ petition has been supplied to the State. Mr. Raman Sharma, Addl.AG., Haryana, accepts notice on behalf of respondents no.1 to 4.

Learned counsel for the petitioners submits that the matter is now pending adjudication before the competent authority on 23.12.2022. It is further assured that there shall be no delay or any unnecessary adjournment sought by the petitioners under any circumstances and the petitioners undertake that arguments would be addressed on the date fixed.

Learned counsel for the State submits that time bound directions for decision on the pending application may be issued.

In our considered opinion, petitioners would indeed be prejudiced, in case warrants of possession are executed even before adjudication upon at-least the application seeking interim relief.

Keeping in view the facts and circumstances as above, but

without expression of any opinion on the merits of the case, it is directed that the appeal or at-least the application for interim relief, be decided by the competent authority on 23.12.2022 itself, and in case, not so possible, the same be decided within the next three weeks by passing a speaking order, after affording due opportunity of hearing to all concerned.

Warrants of possession be kept in abeyance, till decision of the application seek interim relief.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 20, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.