

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

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CWP-2956-2023

Date of Decision : February 14, 2023

CHHANNO DEVI AND OTHERS

-Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

-Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Jagjeet Beniwal, Advocate
for the petitioners.

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J.(ORAL)

1. Through the instant writ petition, the petitioners have sought the quashing of the impugned orders dated 13.01.2000 (Annexure P-4), and, 28.11.2000 (Annexure P-5), as passed by the respondent No.3, and, respondent No.2 respectively, wherethrough, they have been ordered to be ejected from the suit land.

2. The respondent No.5- Balwan Singh, had filed an application under Section 7 of the Punjab Village Common Lands (Regulation) Act (as applicable to the State of Haryana), seeking removal of encroachment(s), as made by the present petitioners over panchayat land. Though, the said land was reserved for a pond, yet, the encroachers raised thereon, a boundary wall, and, also stored therein cow-dung cakes etc. This application was allowed by the respondent No.3, vide order dated 13.01.2000, thereby ordering ejection of the present petitioners from the suit land. Feeling aggrieved by the ejection order (supra), the petitioners had preferred a statutory appeal before the respondent No.2, however, the statutory appeal was also dismissed way back on 28.11.2000.

3. The passing of both the orders (supra), led the petitioners herein to approach this Court by filing the instant petition. However, the petitioners have approached this Court after a considerable long delay, as a period of over 22 years has elapsed since the passing of the orders (supra). More so, no plausible reason has been assigned by the petitioners, which may have restrained them from approaching this Court earlier. The present petition hence suffers from a vice of gross delay and laches. Therefore, on this score alone, we are not inclined to interfere with the orders (supra), as passed by the jurisdictionally competent authorities, which have now attained finality.

4. The petitioners have also challenged the warrants of possession, which have now been issued, in consequence to the impugned orders, which but hence have attained a binding and conclusive effect. The instant challenge, is presented on the ground, that they have moved an application under Rules 4, 5 and Rule 12(4) of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to Haryana), as the petitioners are ready to purchase/exchange the suit land. However, we are unable to accept the prayer made by learned counsel for the petitioners, as the suit land was reserved, during consolidation, as Gair Mumkin Chappar/pond. The land which is reserved for Gair Mumkin Chappar cannot be allowed to be sold or exchanged. Therefore, in view of the above, we find no merit in the present petition, and, same is hereby dismissed.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 14, 2023
devinder

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