

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

Date of Decision: 16.03.2023

1.

CWP-5221-2023

Rakesh Kumar Munjhal

...Petitioner

Vs.

State of Haryana and Others

...Respondents

2.

CWP-5240-2023

Rakesh Kumar Munjhal

...Petitioner

Vs.

State of Haryana and Others

...Respondents

3.

CWP-5356-2023

Rakesh Kumar Munjhal

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi Dutt Sharma, Advocate
for the petitioner(s).

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 5.

VIKAS BAHL, J. (ORAL)

This order will dispose of three cases i.e., CWP-5221-2023, CWP-5240-2023, CWP-5356-2023, titled as “Rakesh Kumar Munjhal Vs. State of Haryana and others”

Challenge in all the writ petitions is to the order dated 25.05.2022 vide

which, the Divisional Commissioner Ambala Division, Ambala Cantt. has, after

setting aside the eviction order passed against the private respondents in all the cases, remanded the matter to the Collector, Pehowa, for fresh adjudication.

Learned counsel appearing for the petitioner has submitted that the petitioner had initially filed a writ petition bearing CWP-14993-2018 averring that land measuring 135 Kanals falling in Khasra No. 1320 situated within the revenue estate of village Ismailabad, District Kurukshetra was a Gair mumkin road and the said road had been encroached upon and had prayed that the representation given by the petitioner for removing the said illegal encroachment be decided. It is further submitted that Hon'ble Division Bench of this Court, vide order dated 01.06.2018, had directed the authorities to decide the representation (Annexure P-2) by passing a speaking order. It is stated that in pursuance of the said order passed by the Hon'ble Division Bench, a speaking order was passed by the Executive Engineer vide order dated 04.02.2019 (Annexure P-4) as per which, it was stated that they had filed 34 petitions in the Court of the Collector, Pehowa under the provision of Haryana Public Premises (Eviction and Rent Recovery) Act, 1972. It is further stated that the Collector, Pehowa, by passing various orders against persons impleaded as private respondents in the present bunch of writ petitions, had allowed the eviction petitions and had evicted the said respondents from the land in question. It is submitted that various bunches of appeals were filed by private respondents against the same and the Divisional Commissioner, Ambala Division, Ambala Cantt., vide order dated 25.05.2022 had allowed all the said appeals and had remanded the matter to the Collector. It is further submitted that even after the remand order dated 25.05.2022, not much progress has been made in the matter pending before the Collector. Learned counsel for the petitioner has submitted that he would restrict his prayer in the present writ petitions to direction to the Collector, Pehowa before whom the matter is pending, to decide the same as expeditiously as

possible preferably within a period of six months from the date of the receipt of the certified copy of the present order.

Learned counsel appearing for the State has stated that every endeavour would be made by the Collector, Pehowa, to decide the cases preferably within a period of six months from the date of the receipt of the certified copy of the present order.

Keeping in view the above and also the prayer made by the learned counsel for the petitioner, the present writ petitions are disposed of with a direction to the Collector, Pehowa, before whom the matter after remand is pending, to decide the cases filed by the Public Works Department, B&R under Sections 4, 5, 6, 7 of the Haryana Public Premises (Eviction and Rent Recovery) Act, 1972, as expeditiously as possible preferably within a period of six months from the date of the receipt of certified copy of the present order.

It is made clear that this Court has not opined of the merits of the cases and the Collector would decide the same independently, in accordance with law.

March 16, 2023.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No