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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-7579-2023

Date of Decision : 17.04.2023

ROHIT SHARMA AND OTHERS

.....Petitioners

Versus

**DIRECTOR RURAL DEVELOPMENT AND PANCHAYATS, PUNJAB
AND OTHERS**

....Respondents

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

Present : Mr. Deepak Arora, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The petitioners herein in the month of March, 2017, instituted a title suit under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short hereinafter call 'the PVCL Act'), before the Collector concerned, wherein they claimed the making of a declaratory decree, hence declaring them to be the owner(s) in possession of the suit lands. However, subsequently in the month of September, 2017, a Section 7 petition under 'the PVCL Act', was instituted, before the Collector concerned, by the Gram Panchayat concerned, seeking the eviction of the petitioners herein, from the petition lands, but on the ground that the petition lands were owned and possessed by the Gram Panchayat concerned. Moreover, importantly the suit lands in both the petitions

(supra), are common, and, obviously the causes of action in both are also

common.

2. The petitioners title suit under Section 11 of 'the PVCL Act' became dismissed through an order made, on 22.04.2022, by the learned Collector concerned, but he became aggrieved therefrom and took to file thereagainst a statutory appeal, before the competent Appellate Authority concerned. Furthermore, it has also been stated by the learned counsel for the petitioners, that the competent Appellate Authority concerned, subjudice the said appeal, has made an order of status quo in respect of the petition lands, order whereof become embodied in Annexure P-3.

3. The grievance raised before this Court, by the learned counsel for the petitioners, is focused upon the purported illegality, which is being intended to be committed by the learned Collector concerned, inasmuch as, despite the petitioners herein, appealing against the dismissal order, as made, on their Section 11 title suit, and, also with the Appellate Authority concerned, subjudice the said appeal, making a direction to the litigating parties to maintain status quo in respect of the petition lands, yet the Collector concerned, seized with the subsequent petition as filed, by the Gram Panchayat concerned, under Section 7 of 'the PVCL Act', is rather making an insistence upon the petitioners to address arguments on the said petition. Therefore, the learned counsel for the petitioners argues, that if a decision is made by the learned Collector concerned, on a petition under Section 7 of 'the PVCL Act', and if the petitioners are ordered to be evicted from the petition lands, thereupon, not only the order of status quo, as passed by the competent Appellate Authority concerned, will loose its effect. Moreover, also in case a decision favourable to the petitioners, is made, on the statutory appeal, by the Competent Appellate Authority

concerned, and, yet an eviction order becoming passed on Section 7

petition cast under 'the PVCL Act', rather would result, in an ill consequence of not only multiplicity of proceedings, being generated, besides it would also frustrate the effect of the status quo order (supra), as became passed by the competent Appellate Authority concerned, during the pendency of appeal, as directed against the dismissal order(s), passed by the Collector concerned, on the title suit of the petitioners filed, under Section 11 of 'the PVCL Act'.

4. The above argument addressed before this Court, inasmuch as, it becomes rested, upon, the order enclosed in Annexure P-3, whereby the competent Appellate Authority concerned, has ordered the parties to maintain status quo during pendency of the statutory appeal, as directed against the dismissal order passed on the Section 11 title suit preferred under 'the PVCL Act', by the petitioners, thus, does obviously has an immense legal worth.

5. Therefore, this Court, for ensuring that the said order of status quo, does not become rendered infructuous, nor is rendered nugatory, as it may become so, on account of the learned Collector concerned, proceeding to even, during the pendency of statutory appeal, raised by the petitioners against the order of dismissal, made on the title suit filed under Section 11 of 'the PVCL Act', hence makes a direction upon the Collector concerned, as seized with a Section 7 petition, cast under 'the PVCL Act', as, preferred by the Gram Panchayat concerned, to await a decision, upon, the statutory appeal, as raised by the petitioners against the dismissal order made, by the learned Collector concerned, on their title suit, as filed under Section 11 of 'the PVCL Act'.

6. To ensure that the statutory appeal is expeditiously disposed

within two months hereafter, decide the statutory appeal. Therefore when only, in the event of the decision on the statutory appeal acquiring conclusive and binding effect, the petitioners would loose title over the petition lands, besides would then become amenable to become lawfully evicted therefrom. Thus, to secure the ends of justice, and to ensure that there is no conflict inter-se the verdicts drawn on the Section 11, and, the Section 7 petitions, as became respectively filed under 'the PVCL Act', besides to avoid multiplicity of proceedings, as may arise on account of enforcement, being made of the decree of eviction passed in the Section 7 petition cast under 'the PVCL Act', but resulting in possession being delivered to the Gram Panchayat concerned, that this Court deems it fit and proper, to direct, the learned Collector concerned, seized with a Section 7 petition, to restrain himself, from proceeding to finally terminate, the proceedings drawn, in such a petition, till a binding and conclusive verdict, is drawn on the title suit/appeal, rather by the competent Appellate Authority concerned.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

17.04.2023
kavneet singh

(KULDEEP TIWARI)
JUDGE

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