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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7860-2023

Date of decision:18.04.2023

VIRENDER PAL SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Parveen Kumar, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. One Gurpej Singh instituted a petition bearing No.15/AC on 07.07.2023, before the learned Assistant Collector Ist Grade, Saffidon. The said case was instituted by the petitioner through his invoking the provisions of Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”). In the said petition, the petitioner claimed the eviction of respondent No.1 from a gair mumkin rasta/gali owned, and, possessed by Gram Panchayat concerned. The learned Assistant Collector Ist Grade, Saffidon through an order made, on 25.01.2023, upon the said petition, proceeded to make a direction, upon co-respondent No.1, to vacate the portion of the said gair mumkin rasta/gali, which became unauthorizedly occupied by him.

2. Be that as it may, it is revealed from a perusal of Annexure P-3 that the contesting appellant Virender Pal, has instituted a statutory appeal against

the order of eviction, as became passed by the Assistant Collector Ist Grade, Saffidon.

3. It is stated at the bar, by the learned State counsel that the said appeal is yet *subjudice* before the Competent Appellate Authority. If so, and, if the statutory appeal has been entered in the apposite records, and, if it has not been entered in the register concerned, but for certain objections being raised against its being entered in the records concerned, thus after the removal of the objections, as raised by the establishment of the Competent Appellate Authority concerned, the contesting appellant Virender Pal, is directed to re-institute it, but free from any objections. Subsequently the Competent Appellate Authority concerned, is directed to ensure its becoming entered in the records concerned. Thereafter, the Competent Appellate Authority concerned, is directed to most expeditiously make a lawful decision on the said statutory appeal. The said lawful decision shall be made after affording an opportunity of hearing to the aggrieved contestant one Virender Pal, and, shall also make the said decision thereons, within 6 weeks of its being entered in the records concerned.

4. Disposed of accordingly.

5. Till the said appeal is entered in the register concerned, and, subject to the petitioner herein within a week from today removing the objections, raised against its entry in the records concerned, the parties are directed to maintain status quo in respect of the petition lands.

(SURESHWAR THAKUR)
JUDGE

18.04.2023

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(KULDEEP TIWARI)
JUDGE

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