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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-8712-2023

Date of decision: 26.04.2023

GRAM PANCHAYAT MAGAR

...Petitioner

Versus

JOINT DEVELOPMENT COMMISSIONER (IRDP) CUM COMMISSIONER  
AND ORS.

...Respondents

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

Present: Mr. C.L. Premy, Advocate;  
Ms. Raman Rekhi, Advocate;  
Ms. Amarjit Kaur, Advocate and  
Ms. Navjot Kaur, Advocate  
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

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**SURESHWAR THAKUR, J. (ORAL)**

1. The petitioner through the instant petition has made a challenge to Annexure P-12, whereby the learned Commissioner concerned, while drawing appeal No. 000103/2023, had during the same being *subjudice* before him, stayed further action being taken in respect of the order of eviction (Annexure P-6), as became made by the learned Collector concerned, on the petition filed under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act of 1961”), before him.

2. The grievance which has been raised in the instant petition, is that, some of the khasra numbers which are mentioned in Annexure P-12, were also enclosed in a separate statutory appeal rather directed against an order of eviction (Annexure P-3), as, made by the learned Collector concerned, while exercising jurisdiction under Sections 4, 5 and 7 of The Punjab Public Premises

and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as “the Act of 1973”). Therefore, it is argued by the learned counsel for the petitioner before this Court that the inclusion within Annexure P-12 of those khasra numbers in respect whereof an adjudication was made by the learned Collector concerned, while exercising jurisdiction under the Act of 1973, and, also when an appeal thereagainst may have arisen, before the Competent Appellate Authority, as, constituted under the said Act of 1973. Resultantly, it is argued that the inclusion in Annexure P-12, of the above said khasra numbers, was but an exercise of jurisdiction with a patent illegality and gross impropriety.

3. If so, and, even if the above argument has some merit, yet since an application as enclosed in Annexure P-16 has been filed before the learned Appellate Authority concerned, for apposite variations being caused to Annexure P-12. Therefore, till a decision on Annexure P-16 is made, this Court finds that filing of the instant petition, as, directed against Annexure P-12, thus is a prematurely availed remedy.

4. Therefore, for the above reasons, the instant petition, at this stage, is mis-constituted, and, is dismissed. The learned Commissioner concerned, who has passed Annexure P-12 is directed to forthwith make a lawful decision, upon, Annexure P-16.

**(SURESHWAR THAKUR)**  
**JUDGE**

**26.04.2023**

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**(KULDEEP TIWARI)**  
**JUDGE**

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