

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

236

CWP-11198-2022

Date of Decision: 22.03.2023

Sandeep Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondent

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

Present: Mr. Abhinav Sood, Advocate, for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G. Haryana.

SURESHWAR THAKUR, J.(ORAL)

1. Gram Panchayat Village Sohl, Tehsil Nilokheri, District Karnal, through its Sarpanch instituted a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. To the said petition, case No. 65/VCLA was assigned. In the petition (supra) the Gram Panchayat concerned, claimed the eviction of some villagers from its land, on the ground that they were holding unauthorised occupation, on those lands, which were otherwise owned by the Gram Panchayat concerned.

2. In the array of respondents, occurred the names of one Darshan Singh, one Daler Singh, one Mehar Singh, one Sewa Ram sons of Ishwar Singh, Bahadur Singh son of Labh Singh and Lal Singh & Risal Singh sons of Teja Singh, all residents of village Sohlo, Tehsil Nilokheri, District Karnal. The said petition became allowed on 23.02.2011. The apposite order is enclosed in Annexure P-2.

3. Thereafter, the legal representative(s) of Risal Singh challenged the making of Annexure P-2 before the authority which pronounced Annexure P-2. The said challenge was made on the ground that the verdict drawn, as carried in Annexure P-2, is void and also not enforceable, as it has been made against the deceased predecessor-in-interest, namely, one Risal Singh. However, the learned Assistant Collector concerned, did not accept the said application, and rather obviously dismissed the same. The order of dismissal as made on the said application, is comprised in Annexure P-5. Nevertheless, the aggrieved concerned, preferred thereagainst a revision petition before the Revisional Court concerned. However, the revisional authority declined relief to the legal heirs of deceased Risal Singh, and hence affirmed the order comprised in Annexure P-7. It is against the drawing of Annexure P-5, as also against the drawing of Annexure P-7, that has constrained the petitioner to institute the instant petition before this Court.

4. The Assistant Collector 1st Grade was required to, on a motion being made before him, by the legal heirs of deceased Risal Singh, to rather accept the said motion, as thereupon the infirmity gripping the makings of Annexure P-2, inasmuch as, it being made against deceased Risal Singh, rather would have become completely cured. However, the Assistant Collector Ist Grade proceeded to decline the said relief. Moreover, the Revisional Court also proceeded to not to grant relief to the successor(s)-in-interest of one Risal Singh.

5. The above declinings of relief to the successor(s)-in-interest of one Risal Singh, who was admittedly dead at the stage of institution of the petition (supra), and, who evidently remained unsubstituted by his LR's,

even during the pendency of the petition (supra), obviously has resulted in the above infirmity gripping Annexure P-2, to rather remain intact. Therefore, the orders enclosed in Annexure P-2, and, also in Annexure P-5, and, P-7, are completely void, and, nonest and are required to be quashed.

6. Therefore, this Court directs the Assistant Collector 1st Grade to revive the apposite petition but only on his permitting the successor(s)-in-interest of deceased Risal Singh, to institute therein an application, for begetting their substitution(s) in place of deceased Risal Singh, but in the array of the respondents in petition (supra). After making the said substitution in the said petition, the Assistant Collector 1st Grade, shall proceed to draw a fresh decision in accordance with law, upon, case No. 65/VCLA. The said fresh decision shall be recorded after hearing all the affected parties including the legal heirs of deceased Risal Singh, and, shall be made positively within six months from today.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

22.03.2023
Satyawar

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No