

CWP-12763-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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(i) CWP-12763-2023
Date of Decision : June 02, 2023

BALJIT SINGH

-Petitioner

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

(ii) CWP-12765-2023

HARMOHINDER SINGH

-Petitioner

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

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

Present : Mr. Shehbaz Thind, Advocate
for the petitioner(s).

Ms. Deepali Puri, Addl. A.G., Punjab.

SURESHWAR THAKUR, J.(ORAL)

1. Since both these writ petitions relate to common questions of law, therefore both these writ petitions are being disposed of through a common verdict. For brevity, the facts are being extracted from CWP-12763-2023.
2. The petitioner, did not receive the espoused declaratory decree, on his petition cast under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the 'Act of 1961'), and, as became instituted before the learned Collector concerned. The above declining of a declaratory decree to the petitioner, by the learned Collector concerned, has led him to institute an appeal thereagainst, before the

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competent appellate authority concerned.

3. However, during the pendency of the said statutory appeal, the learned counsel for the petitioner asserts, before this Court, that the Gram Panchayat concerned is endeavouring to assume possession of the petition land(s), and, if the same is permitted to be done, thereupon the equities relating to the possession of the disputed land(s), would become untenably disturbed, besides it will also lead to multiplicity of litigation, in the event of the present petitioner being successful in the statutory appeal, as thereby it would result in an application for restitution of possession being preferred, thus for restoring the possession of the disputed land(s), from the Gram Panchayat concerned, to the present petitioner.

4. Though the above is required to be obviated, but there is no declining order made by the competent appellate authority concerned, on any application, thus for seeking the staying of the operation of the verdict (Annexure P-2), as became passed against the petitioner, by the learned Collector concerned.

5. If so, this Court cannot grant the prayed for indulgence to the present petitioner, thus to yet order, that status quo in respect of the disputed land(s) be maintained, as only when a declining order rather becomes made by the competent authority concerned, on the relevant motion, thereby this Court would assume jurisdiction and may be led to pass an order to quash the said declining order, as made by the competent authority concerned. In consequence, in the wake of the above, the instant petition, at this stage, thus is not maintainable.

6. Therefore, the petition is disposed of, leaving liberty to the petitioner to forthwith institute an application before the competent

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appellate authority concerned, wherebeforewhom, a statutory appeal is subjudice, for thus seeking the staying of the operation of Annexure P-2. However, if the said motion is already subjudice, thereupon the learned appellate authority is directed to most expeditiously pass a lawful decision thereon, but after hearing all affected persons.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

June 02, 2023
devinder

Whether speaking/reasoned. : Yes/No
Whether Reportable : Yes/No