

may be permitted to withdraw the same with liberty to invoke the jurisdiction of the competent authority under Section 13-B of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to State of Haryana) (“the Act 1961” – for short) while protecting the possession of the petitioner for a limited period of time to enable him to seek appropriate orders from the competent authority.

[4] Notice of motion.

[5] Mr. Surender Singh Pannu, Addl. A.G., Haryana accepts notice and states that the lease of the land in question was initially granted vide Resolution of the Gram Panchayat dated 20.03.2003 for a period of 10 years, whereafter vide Resolution, Annexure P/1 dated 02.04.2013, the same was extended by the Gram Panchayat for a further period of 10 years beyond 31.03.2013.

[6] Learned Addl. A.G. contends that the lease granted to the petitioner was without authority of law since the same did not have the approval of the Block Development and Panchayat Officer which is a *sine qua non* under the provisions of the Act, 1961 and in any case, even if it be presumed that lease extended beyond 31.03.2013 was legally valid, even the extended period of lease had expired, therefore, the petitioner has no right to continue on the land in question.

[7] As regards the consent granted to M/s Ajay Minerals Company, the sole proprietorship of the petitioner vide Annexure P/4 dated 21.02.2022 by the Haryana State Pollution Control Board to operate the Company as well as the permission granted by the Director, Mines and Geology Department, Haryana vide Annexure P/5 dated 28.02.2023 for

renewal of stone crusher licence w.e.f. 10.01.2023 to 09.01.2026, learned Addl. A.G., Haryana contends that the same was without noticing that the lease granted by the Gram Panchayat was without the sanction of the competent authority under the Act, 1961 i.e. Block Development and Panchayat Officer, besides, the extended lease even if found to be valid was only upto 31.03.2023 and now vide notice, Annexure P/8 the Haryana State Pollution Control Board has on 17.04.2023 issued a show cause notice for closure on account of communication, Annexure P/7 dated 05.04.2023 having been received from the Block Development and Panchayat Officer regarding illegal possession of the petitioner over Panchayat land by the Unit.

[8] Learned Addl. A.G. states that in view of the availability of an alternative remedy, no case whatsoever is made out for the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. He, however, does not oppose the petitioner being relegated to avail the remedy of the revision under Section 13-B of the Act, 1961.

[9] Accordingly, in the light of the position noted above but without expressing any opinion on the merits of the case, lest it prejudices the rights of either of the parties, we permit the petitioner to approach the competent authority under Section 13-B of the Act, 1961 against the order, Annexure P/2 dated 16.10.2018 passed by the Assistant Collector Ist Grade, Narnaul and order, Annexure P/3 dated 02.09.2021 passed by the Collector, Mahendargarh upholding the order, Annexure P/2 dated 16.10.2018 passed by the Assistant Collector Ist Grade, Narnaul, within three days from today. The revision petition if filed be decided

expeditiously and in any case within one month of receipt. In case the said revision petition is accompanied with an application for stay, the same shall be considered and decided in accordance with law within seven days of the date of filing. For a period of 10 days from today, status quo shall be maintained. Needless to mention that the order of status quo for the aforementioned limited period of time shall not be construed as an expression of opinion on the merits of the case.

[10] Petition disposed of in the aforementioned terms.

(B.S. Walia)
Judge

(Vikram Aggarwal)
Judge

05.07.2023
'Amit'

<i>Whether speaking/ reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable :</i>	<i>Yes/No</i>