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

CWP-18800-2022 (O&M)

Date of decision:17.04.2023

JARNAIL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. A.S. Khosa, Advocate for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. One Jarnail Singh instituted a petition for eviction against Jit Singh, Ranjit Singh, Amrit Singh, Gurdev Singh, and, Natha Singh. The said petition was cast under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”). In the petition (supra), Jarnail Singh claimed the eviction of the respondents therein, from the panchayat lands, on the ground, that they had made encroachments thereons.

2. Without at this stage, going into the issue of the *locus standi*, of Jarnail Singh, to institute an eviction petition, before the learned Collector concerned, what engages the attention of this Court, is that, prior to the institution of the said petition, two of the impleaded therein respondents inasmuch as, Jit Singh son of Wariyam Singh, and, Ranjit Singh son of Resham Singh rather had already died. Thus, only if an application was moved before the learned Collector concerned, seeking the substitution of the said deceased-respondents, by their respective legal heirs, resulting in an order being passed thereon, by the learned Collector concerned, that thereby the lis could be lawfully terminated. However, neither the said application was moved nor any

order was ever made hence directing the substitution of the deceased-

respondents (supra) by their respective LR's. Therefore, the said petition continued even against dead persons, and, thereafter also progressed upto the stage of an order of eviction being made by the learned Collector concerned.

3. Though, as above stated, at this stage, this Court refrains from making any determination in respect of the *locus standi* of one Jarnail Singh, to file a petition under Section 7 of the Act, before the learned Collector concerned. However, since a completely *non-est* and void order became passed, on 03.09.2021, on the said petition, by the learned Collector concerned. Therefore, the writ petition is allowed, and, the said order is quashed, and, set aside.

4. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

17.04.2023

Ithlesh

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

(KULDEEP TIWARI)
JUDGE