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

CWP-22245-2022

Date of decision:19.01.2023

YASHPAL AND ORS.

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Ivan Singh Khosa, Advocate
for the petitioners.

SURESHWAR THAKUR, J. (ORAL)

1. Both, the learned Collector concerned, as well as the learned Appellate Authority concerned, made concurrent orders on the petition of the Gram Panchayat, as became cast under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961, wherethrough, the relief of eviction of the respondents therein and the petitioners herein from the panchayat lands, became hence ventilated.

2. Though, the petitioners who are aggrieved from the above concurrent orders, reared a revision petition before the learned Revisional Court concerned, but yet as disclosed by Annexure P-1, the revision petition, is *subjudice* before the learned Court concerned. Moreover, a reading of Annexure P-1, also discloses, that the interim relief for staying the operation of the verdicts pronounced against the petitioners herein, by both the Authorities below rather became declined.

3. It appears that in the wake of the Revisional Court concerned, if it had jurisdiction to entertain, and, decide the revision petition concerned, declining to stay the operation of the verdicts pronounced against the petitioners herein, as such the petitioners have moved this Court with a prayer that Annexure P-1 be quashed, and, set aside.

4. Today, the learned State counsel intimates this Court, that the revision petition as *subjudice* before the learned Revisional Court concerned, is triable by him. Therefore, even if the learned Revisional Court concerned, has not stayed the operation of the verdicts pronounced against the petitioners herein by both the Authorities below, yet when the main revision petition is *subjudice* before the learned Revisional Court concerned, therefore, even upto a decision in accordance with law being made, upon the revision petition concerned, yet this Court may yet rather quashing Annexure P-4, would thus result in the Revisional Court, being presented with a fait accompli, besides may also require that the entire records be summoned by this Court, and, which may ultimately result in the making of an expeditious decision, upon the Revision Petition concerned, rather becoming unnecessarily forestalled.

5. The further reason for making the above conclusion, arises from the factum, that in case any interference is made with the drawing of Annexure P-1 rather by this Court, thereupon the Revisional Court may construe the same to be also tantamounting to a *prima-facie* conclusion rather being recorded by this Court, that the orders recorded by both the Authorities below against the petitioners herein were *prima-facie* flawed or were erroneously made, whereby *prima-facie* their maybe unwanted disregardings of the conclusions, as made by the Authorities below, that the uncontested demarcation report, as became relied

upon, by both of them, rather becoming an untenable plank for the petitioners herein becoming ordered to be evicted from the petition lands.

6. Therefore, the only relief which can be granted to the petitioners herein, is that, a direction can be made upon the learned Revisional Authority concerned, to after hearing all concerned, make a decision in accordance with law, upon the revision petition concerned, as stands preferred before him, at the instance of the petitioners herein, but within three months from today.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

19.01.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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