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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19244-2023

Date of decision:28.11.2023

PHOOL SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. M.S. Bhatti, Advocate for
Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Rohit Mittal, Advocate
for respondent No.3 (under memo of appearance)

SURESHWAR THAKUR, J. (ORAL)

1. Learned State counsel submits, that the impugned orders are infirmly drawn inasmuch as, they are became drawn by the authorities concerned, while exercising the jurisdiction under Section 10-A of The Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), whereas, the jurisdiction to order for eviction of the lessee after expiry of the term of lease or after the lease(s) being terminated, was through a petition under Section 7 of the Act, becoming instituted before the learned Assistant Collector concerned.

2. Therefore, keeping in view the above made submission before this Court by the learned State counsel, this Court proceeds to, on the plank of lack of jurisdictional competence in the authority(ies) below, rather to

order for eviction of the present petitioner, in a petition cast under Section 10-A of the Act, thus quash and set aside the impugned orders.

3. Therefore, after allowing the instant petition, the impugned orders are quashed, and, set aside, but reserving liberty to the respondent concerned, to forthwith institute a petition under Section 7 of the Act, before the learned Assistant Collector concerned, for thereby seeking lawful eviction of the present petitioner from the disputed lands. On the said petition becoming forthwith instituted, thereupon, a lawful speaking decision shall be made thereons, within 6 months from today, but after hearing all affected persons concerned.

(SURESHWAR THAKUR)
JUDGE

28.11.2023
Ithlesh

(SUDEEPTI SHARMA)
JUDGE

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