

In the High Court of Punjab and Haryana at Chandigarh

(117)

**CWP No. 25238 of 2023
Date of Decision: 08.11.2023**

Rajender

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner suffers concurrently made verdicts of eviction in respect of the disputed land(s), as, became respectively passed by the Assistant Collector concerned, and, by the Appellate Authority concerned. The said concurrently made orders are stated to be challenged, in a revision petition, becoming preferred by the aggrieved petitioner, before the revisional authority concerned.

2. During the pendency of the said revision petition, the present petitioner has filed an application seeking stay of the operation of the impugned therebefore verdicts of eviction, as became passed by the authorities (supra). However, a dismissal order became made thereons.

3. Though, this Court is of the view, that the very purpose for instituting a revision petition by the present petitioner, even if it was not maintainable, as it may have arisen from a verdict passed in a petition filed under Section 7 of the Punjab Village Common Lands (Regulation) Act of

1961 (as applicable to the State of Haryana), rather would become completely frustrated, in case the application for interim relief relating to stay of the operation of the impugned verdicts of eviction, thus becomes dismissed. The reason being that, thereby the equities would become disturbed, as, upon a verdict favourable to the present petitioner becoming recorded by the competent Courts of Law, thereupon there would be an unnecessary multiplicity of litigations, relating to the successful petitioner being led to file an application for restoration of the possession of the disputed lands, from the Gram Panchayat concerned. Therefore, obviously the non rendition of an affirmative order, on the said interim application, but naturally appears to be suffering from a grave legal fault-line.

4. Be that as it may, since it is stated, at the bar, by the learned counsel for the appearing litigants, that the revision petition is now listed on 28.11.2023. Therefore, on the said date, the revisional authority concerned, is directed to ensure conclusion of hearings being made on the said petition, and, is also directed to within two weeks thereafter, make a well made speaking decision, on the said revision petition. Furthermore, since for the above reasons, the impugned order relating to the declining of the interim relief to the petitioner, thus suffers from a grave/pervasive legal fault line. Therefore, the said impugned order is quashed and set aside. If no warrants of execution have been successfully executed in respect of the disputed land(s), thereupon the parties are directed to maintain status quo, as of today in respect of the disputed land(s).

5. The petition stands disposed of accordingly.

6. The pending application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

November 08, 2023
Gurpreet

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