

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8316-2024
Date of Decision:- 16.04.2024

SUBDEEN AND OTHERSPetitioners

Vs.

STATE OF HARYANA AND OTHERS ...Respondents

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Divyam Singh, Advocate
for the petitioners.

Mr. P.P. Chahar, Senior DAG, Haryana.

SURESHWAR THAKUR, J.

1. Learned counsel for petitioners submits that a revision petition bearing No. Revision/091 of 2023-24, is sub judice, before the revisional Court concerned, revision petition thereof, is directed against the concurrent orders of eviction, as, passed respectively by the Assistant Collector concerned and by the appellate authority concerned.

2. Learned counsel appearing for the petitioners also submits that the said revision petition is maintainable, as, a question of title was raised by the present petitioners, thus in their response to the eviction petition instituted by respondent Nos.6 and 7 under Section 7 of the Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act').

3. Believing the above made statement before this Court and also bearing in mind the further submissions addressed before this Court by learned counsel for the petitioners, that despite the said revision petition being sub judice before learned revisional Court concerned, yet warrants of possession becoming issued by the Court concerned, for thereby the verdicts of eviction rendered against the present petitioners becoming enforced, and, that too for untenably negating the principle that, there is a requirement of obviating the ill consequence of restitutory proceedings being launched at the instance of present petitioners, thus in the event of their succeeding before the revisional Court concerned.

4. The above made argument appeals to the judicial conscience of this Court, as the petitioners, in the event of their ultimately succeeding before the revisional Court concerned, thereby if the warrants of possession become successfully executed, thereupon the present petitioners will be ill led to institute a petition, for restitution of possession to them from the gram panchayat, through their availing the remedy engrafted under Section 144 of the CPC. The above is but required to be obviated.

5. Consequently, the petition is disposed of with a mandamus upon the revisional authority concerned, to within a period of two months from today, make a lawful decision, upon, the apposite revision petition, but after hearing all affected persons concerned. Furthermore till a decision on the said revision petition is made, thereupto the parties are directed to maintain status quo as on today in respect of the disputed lands.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(SURESHWAR THAKUR)
JUDGE

(AMARJOT BHATTI)
JUDGE

16.04.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No