

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:128156-DB



(206)

CWP-15112-2024

Date of Decision: 25.09.2024

Jasbir Singh & others

--Petitioners

Versus

The D.C.-cum-Collector & others

--Respondents

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

Present:- Mr. S.N. Saini, Advocate for the petitioners.

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

Mr. J.S. Cooner, Advocate for respondent no.3.

G.S. SANDHAWALIA.J (Oral)

1. The present petition challenges the implementation of the auction held on 20.06.2024 without issuing any notice and in violation of the orders passed by respondent no.1 dated 10.05.2006 directing the parties to maintain status quo till the decision of the case.

2. The District Collector was adjudicating on the issue of rights of ownership pleaded by Gram Panchayat against eight residents of village Sohata on the basis of the pleadings of the Gram Panchayat that they were owners in possession. Apparently, the Collector passed the said order as under:-

*“Presented through Sh. Harish Kumar Sharma,
Advocate.*

*Notice be issued to the respondents. To come up on
15.06.2006. Status quo be maintained till the decision of the case.*

*Dated 10.05.2006**Sd/-**District Collector, Ambala”*

3. The petitioners, who are not party to the proceedings under Section 13-A of the Punjab Village Common Land Act (for short the Act) filed a suit independently for permanent injunction restraining the Gram Panchayat and B.D.P.O concerned from conducting the auction of the land of *Mustarka Malkan* of the said village as per Jamabandi for the year 2020-2021. The claim was that the cultivated land of their share was given the shape of *Mustarka Malkan*. A reference was made to the *Khasra Girdawari* in para 2 and as per pleadings in the suit, there was reference to *Jamabandi* for the year 2020-2021 and the stand of the Gram Panchayat was that the suit property was owned and possessed by the Gram Panchayat and that they had given the suit land for cultivation on auction and there was a status quo order and stay on the same.

4. There was a specific stand that the suit land falls within the definition of *Shamlat Deh* as defined in Section 2(g) of the Act and the plaintiffs had no concern with the suit property. The relevant portion of the written statement filed reads as under:-

“4. That para no.4 of the plaint as alleged is absolutely wrong and hence denied. As stated above the suit property is owned and possessed by the Gram Panchayat and Gram Panchayat has been giving the suit land for cultivation on auction and the income which come arises out of auction of suit land is used by the Gram Panchayat for benefits of village.

5. That para no.5 of the plaint as alleged is absolutely wrong and hence denied. However, it is further submitted that matter is subjudice and a status quo order, has been already passed by the court of learned Collector, Ambala in the title suit under Section 13A of Punjab Village Common Land Act. It is emphatically denied that the plaintiffs are in

possession of the suit property.”

5. In view of the fact that the auction had taken place on 20.06.2024 and the land in question was allotted in five separate plots with the highest bidders, as per the reply now filed, wherein it has been mentioned that the present petitioners have withdrawn the suit on 02.07.2024 having failed to get permanent injunction in their favour. The petitioners along with some others, then, filed contempt proceedings in the court of the Collector on the ground that the order dated 10.05.2006 had been violated with malafide intention and the title is yet to be decided. The present petitioners were never party to the title proceedings under Section 11 of the Act and had never filed any application to be impleaded and set out that they are in possession or entitled for the ownership rights. Having failed to do so, we do not find any reason that they could turn around and hold out in a suit for permanent injunction that they had possession or the order of status quo was binding inter se the parties.

6. Under such circumstances, we are of the considered opinion that the present writ petition is only an attempt to exercise illegal influence over the Gram Panchayat which has auctioned the land and therefore, petitioners have no legal right and no stay was granted by the civil court. Accordingly, we dismiss the present writ petition.

(G.S. SANDHAWALIA)
JUDGE

25.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No