

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

2024.PHHC.168692-DB



(114)

CWP-18480-2024

Decided on :17.12.2024

Rajesh Kumar and another

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

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

Present:- Mr. Pawan Attri, Advocate for the petitioner (s).

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

G.S. Sandhawalia, J.(Oral)

1. In the present writ petition filed under Articles 226/227 of the Constitution of India the petitioners seek allotment of the physical possession of the plots allotted to them vide Gift Deeds dated 25.11.2011 (Annexure P-1) and 26.11.2011 (Annexure P-3). The said plots were stated to be allotted by the Government of Haryana under the scheme 'Mahatama Gandhi Gramin Basti Yojna'.

2. It is the case of the petitioners themselves that there was an order of the Assistant Collector 1st Grade, Kaithal dated 03.09.2021 (Annexure P-5), whereby there was direction to put the beneficiaries under possession of the land comprising in Khasra No.98 and 99 of the revenue estate of village Pai, Tehsil Pundri, District Kaithal. It is also a matter of the record that the petitioners herein namely Rajesh and Telu were also arrayed as applicants with the Gram Panchayat in the said application filed against private respondents under Section 7(2) of the Punjab Village Common Land (Regulations), Act, 1961 and necessary directions were issued.

3. However, it has been brought to our notice by the affidavit of the Block Development and Panchayat Officer, Pundri that the said order is subject matter of appeal at the hands of the Gram Panchayat and pending before the Deputy Commissioner, Kaithal. We are further informed that the said matter is now fixed for 24.12.2024. The petitioners have already been arrayed as proforma respondents in the said appeal. We have also been informed that there is also a Civil Suit pending regarding Khasra No.98 and 99 filed by Satbir and others against the Block Development and Panchayat Officer, Pundir and Gram Panchayat, Pai in which stay has been granted on 27.09.2022 and same is now fixed for 24.12.2024.

4. In such circumstances, we are of the considered opinion that once the matters are pending consideration before the Appellate Authority/Civil Court, it would not be appropriate to pre-judge the issue and pass any order at this stage. Accordingly, we dispose of the present writ petition with liberty to the petitioner to press for their relief and also to pursue their remedy before the authorities/Courts concerned, in case they desire so.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

17.12.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No