



CWP-13484-2025 (O&M)

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

Sr. No.138

CWP-13484-2025

Date of decision: 12.05.2025

Suresh Kumar and others

....Petitioners

Versus

Collector Bhiwani, District Bhiwani and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sushil Bhardwaj, Advocate
for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

1. Through the instant petition, the petitioners seek issuance of directions to the District Collector, Bhiwani (for short – the DC) to expeditiously decide their application for interim stay filed by them alongwith their suit under Section 13-A of the Haryana Village Common Lands (Regulation) Act, 1961 (for short – the 1961 Act) titled as 'Suresh etc. vs. Gram Panchayat, Dhuleri and others'.

2. The facts in brief, which need to be noticed are that on 03.01.2025, the petitioners filed a suit under Section 13-A of the 1961 Act seeking therein issuance of directions that the petitioners and the proforma defendants No.2 to 26 in their suit be declared owners in possession of land measuring 1952

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Bighas 12 Bishwas in village Dulheri, Tehsil Tosham, District Bhiwani which was fully described in the head note of their plaint. Alongwith their suit they filed an application seeking therein to restrain respondent No.2 – Gram Panchayat from interfering in the petitioners' peaceful possession with a further direction to restrain the Gram Panchayat from raising any type of construction, cutting down trees standing on the suit land, changing the nature of suit land, alienating, auctioning and leasing out the suit land till the final decision of the suit.

3. The petitioners' suit and their application for interim stay was repeatedly adjourned by the DC for the primary reason that the DC was busy in doing administrative work.

4. The petitioners' suit alongwith their application for interim stay, after issuance of notice and appearance of the contesting Gram Panchayat, is now stated to be listed before the DC on 22.05.2025.

5. In the above background, learned counsel for the petitioners submits that the delay in the disposal of the petitioners' application for interim stay is causing them prejudice as in the meanwhile, the respondent – Gram Panchayat is cutting trees growing on the suit land as also are in the process of leasing it out to a third party.

6. Mr. Mago, who appears on advance notice for the DC, does not dispute the afore factual position and assures this Court that the petitioners' application for interim stay, filed by them alongwith their title suit, shall be expeditiously decided by the DC, in accordance with law.

7. Learned counsel for the parties have been heard.



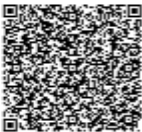
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8. It is not disputed that the petitioners have filed a suit under Section 13-A of the 1961 Act seeking therein to be declared as owners of the suit land and that alongwith their suit they have also filed an application seeking interim stay to restrain respondent No.2 – Gram Panchayat from interfering in the petitioners' peaceful possession and from cutting the trees standing on the suit land as also from leasing out the suit land to third parties. A perusal of the interim orders passed in the petitioners' suit by the DC further reveals that after issuance of notice, the petitioners' suit, alongwith their application for interim stay, has been repeatedly adjourned, primarily for the reason that the DC was busy in doing administrative work.

9. No doubt, the DC has administrative duties to adhere to but at the same time he is also statutorily required to exercise quasi judicial functions, one of which is under Section 13-A of the 1961 Act. Simply for the reason that the DC is busy with his administrative duties, the other duties cast upon him like under Section 13-A of the 1961 Act cannot be ignored. Neglect in the discharge of either of his duties would prejudice the residents of his District and/or the litigants before him. The DC is expected and required to draw a balance between effective discharge of both his administrative and quasi judicial duties.

10. In the light of the above and because of the assurance given to us by the learned State counsel as also for the reason that a direction to expeditiously decide a *lis* prejudices none, we dispose of this petition with a direction to the DC to take up and finally adjudicate upon the petitioners' application for stay filed by them alongwith their suit bearing No.92-J/2025 titled as 'Suresh etc. vs. Gram Panchayat, Dhuleri and others', but only after hearing all concerned



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and in accordance with law. The needful be done within 02 weeks from the date next fixed before the District Collector, Bhiwani.

11. No costs.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

May 12, 2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No