

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.140CWP-20658-2025Date of decision : 22.07.2025

Hari Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Saurabh Mago, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

1. The petitioner filed a suit before the District Collector, Sirsa (for short, the Collector) under Section 4(3)(ii) of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to the State of Haryana) (for short, the 1961 Act) seeking therein a declaration that his possession over the suit land was lawful. A prayer was further made to restrain the respondent No.5-Gram Panchayat from dispossessing/ejecting him from the suit land.

2. Through order of the Collector dated 08.01.2025 the petitioner's suit was dismissed against which he availed their statutory remedy through filing of an appeal on 09.06.2025 before the Commissioner, Hisar Division, Hisar (for short, the Commissioner). Alongwith his appeal, he also filed an application for stay. The appeal is yet to be listed for hearing before the Commissioner.

3. In the meanwhile, the impugned notice dated 25.06.2025 was issued to the petitioner by the respondent No. 5-Gram Panchayat seeking therein to evict the petitioner from the suit land.

4. Learned counsel for the petitioner submits that the impugned notice is in execution of the order dated 08.01.2025 passed by the Collector against which the



petitioner has availed of his statutory remedy of filing an appeal before the Commissioner on 09.06.2025, which appeal, due to administrative exigencies of the Commissioner, has not yet been listed for hearing. Therefore, the petitioner cannot be prejudiced for such delay in the listing of his appeal especially when the delay in its listing cannot be attributed to the petitioner.

5. After hearing learned counsel for the parties, we find merit in the afore submission made on behalf of the petitioner. Accordingly, we dispose of the instant petition with a direction to the Commissioner to decide the petitioner's appeal or at least his application for stay within two months from today after hearing all concerned and in accordance with law. Such a direction has been issued on the premise that a direction for early disposal of a *lis* pending between the contesting parties prejudices none and rather is in the interest of all of them.

6. In the peculiar facts of this case, we further direct that till the petitioner's aforesaid appeal or at least his application for stay is finally decided by the Commissioner, *status quo* with regard to possession of the suit land shall be maintained.

7. It is clarified that the order of *status quo* has been passed by us in the afore stated peculiar facts of the case and that the same shall not influence the Commissioner at the time of deciding the petitioner's appeal or his application for stay, as the case may be.

[DEEPAK SIBAL]
JUDGE

22.07.2025

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[LAPITA BANERJI]
JUDGE

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