

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.139CWP-20655-2025Date of decision : 22.07.2025

Balbir Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJIPresent : Mr. Sanjiv Gupta, Advocate, for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

1. The petitioners 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 their possession over the suit land was lawful. A prayer was further made to restrain the respondent No.5-Gram Panchayat from dispossessing/ejecting them from the suit land.

2. Through order of the Collector dated 08.01.2025 the petitioners' suit was dismissed against which they availed their statutory remedy through filing of an appeal on 09.06.2025 before the Commissioner, Hisar Division, Hisar (for short, the Commissioner). Alongwith their appeal, they 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 petitioners by the respondent No. 5-Gram Panchayat seeking therein to evict the petitioners from the suit land.

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



petitioners have availed of their 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 petitioners cannot be prejudiced for such delay in the listing of their appeal especially when the delay in its listing cannot be attributed to the petitioners.

5. After hearing learned counsel for the parties, we find merit in the afore submission made on behalf of the petitioners. Accordingly, we dispose of the instant petition with a direction to the Commissioner to decide the petitioners' appeal or at least their 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 petitioners' aforesaid appeal or at least their 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 petitioners' appeal or their 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