

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

2025PHHC157713



**CWP-25789-2025 (O&M)
DATE OF DECISION : 13.11.2025**

MOHD ALI **... PETITIONER**
V/S
STATE OF HARYANA AND OTHERS **... RESPONDENTS**

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

Present: Mr. Jai Bhagwan, Advocate for the petitioner.
Mr. Saurabh Mago, DAG, Haryana.
Mr. Mohammad Arshad, Advocate for
respondent No.3-Gram Panchayat.
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DEEPAK SIBAL, J. (ORAL)

The petitioner, through notice dated 26.05.2023, issued by the respondent-Gram Panchayat, under Section 24(2) of the Haryana Panchayati Raj Act, 1994 (for short 'the Act') was sought to be evicted from illegal possession of Panchayat land. The petitioner challenged such notice through filing of a statutory appeal before the Deputy Commissioner, Nuh (for short 'DC'). Through order dated 01.07.2025, such appeal of his was disposed of by the DC through which the impugned notice u/s 24(2) of the 1994 Act and the resolution of the respondent-Gram Panchayat dated 08.05.2023, which formed the basis of the afore notice were set aside with a further direction to the Block Development and Panchayat Officer, Nuh to ensure filing of proceedings against the petitioner either under Section 7 or 11 of the Punjab Village Common Lands Act, 1961 (for short 'the 1961 Act') seeking therein the petitioner's eviction. In the meanwhile, status quo was directed to be maintained. The order of the DC dated 01.07.2025 is the subject matter of challenge through the instant petition.

After hearing learned counsel for the parties and perusing the record, we are of the view that while directing the BDPO to file a claim under Section 7 or 11 of the 1961 Act to seek therein the petitioner's eviction from illegal possession of Panchayat Land, the DC should have not issued any interim direction with respect to maintenance of status quo till the filing of such claim because issuance of such interim direction, if any, would be the prerogative of the authority before whom such claim would have been filed by the respondent-Gram Panchayat. Therefore, the direction issued in the impugned order dated 01.07.2025 by the DC for maintenance of status-quo till the filing of a claim seeking therein the petitioner's eviction is set aside.

If and when, in terms of the order of the DC dated 01.07.2025, a claim is filed by the respondent-Gram Panchayat, the authority before whom such claim is filed, if subordinate to the DC, shall not be influenced by the order dated 01.07.2025 and in case the authority before whom such claim is to be filed is the DC himself, then the officer who passed the impugned order dated 01.07.2025 shall not hear such claim and the same shall be heard by an officer of equal rank and to this effect, the State shall pass an appropriate order.

The petition is allowed in the above terms.

**[DEEPAK SIBAL]
JUDGE**

**[LAPITA BANERJI]
JUDGE**

13.11.2025
Janki

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