

155 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4483-CWP-2026 in/and
CWP-7663-2026 (O/M)
Date of decision : 23.03.2026

Bajrang Lal and others Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Binat Sharma, Advocate
for applicant-petitioners.

Mr. Ravi Dutt Sharma, DAG Haryana.

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HARSH BUNGER, J. (ORAL)

CM-4483-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record Resolution No. 1 dated 05.06.2025, passed by Panchayat Samiti, Kanina as Annexure P-14.

2. For the reasons mentioned in application, same is allowed and Resolution No. 1 dated 05.06.2025, passed by Panchayat Samiti, Kanina (Annexure P-14) is taken on record, subject to all just exceptions.

3. Application is accordingly, disposed of.

CWP-7663-2026 (O/M)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is, inter alia, for issuance of a writ in the nature of mandamus for directing respondents to decide representation dated 05.02.2026 (Annexure P-13); wherein a prayer has been made for carrying out minor adjustments in the site plan of proposed

Civil Secretariat/Mini Secretariat, so as to spare the petitioners' shops or by providing alternative shops/sites near the Bus Stand, Municipal Committee, Kanina.

1.1 A further prayer has been made for directing respondent No. 3 to keep the proceedings under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (in short '1972 Act') in abeyance till the decision of instant civil writ petition.

2. Briefly, the petitioners are stated to be small shopkeepers in Kanina, District Mahendergarh, operating small businesses like, vegetable shops, mobile shops, barber shops etc. Petitioners are stated to be in possession of these shops since 1981.

2.1 It is averred that initially, petitioners were allotted land on rent by Panchayat Samiti, Kanina; however, subsequently, vide resolution dated 06.03.1987, Panchayat Samiti, Kanina permitted the petitioners to construct their shops on the said land. It is further submitted that on 06.10.1987, Panchayat Samiti, Kanina passed a resolution No. 3; whereby it allotted the land for khokas/shops on the basis of rent. It is claimed that the petitioners are paying rent on time.

2.2 It appears that Government of Haryana decided to construct Civil Secretariat/Mini Secretariat in village Unhani at Kanina on a land measuring 89 Kanal - 14 Marla; which fact is borne out from the order dated 18.07.2017 (Annexure P-2).

2.3 It is further averred that Panchayat Samiti, Kanina passed another resolution dated 25.10.2018 for sale of another 54 Kanal – 6 Marla area; which was approved by Haryana Government, vide order dated 03.03.2019 (Annexure P-3).

2.4 It transpires that some of petitioners were served with notices dated 05.03.2019 (Annexure P-4, Colly.), calling upon them to vacate their shops for the purpose of construction of office of Sub Divisional Officer (C); whereupon some of petitioners approached this Court by filing a writ petition i.e. CWP-9883-2019 (Annexure P-5), which came to be disposed of, vide order dated 08.02.2024 (Annexure P-5); the relevant extracts of which reads as under :-

“In view of the above submissions made by learned counsel for the parties, the present petition is disposed of with liberty to the petitioners to file their reply to the show cause notice within a period of four weeks from the date of receipt of certified copy of this order and in case, the reply as stated above is filed by the petitioners within the prescribed period, the competent authority will decide the same in accordance with law after providing them opportunity of being heard, within a period of two months from the date of filing of the reply by the petitioners.

Till the decision is rendered by the competent authority, no coercive action shall be taken against the petitioners. The petitioners will be at liberty to avail their remedy (by raising all pleas including lack of jurisdiction of Panchayat Samiti Kanina to issue notice) as per law.”

2.5 It is averred that in compliance of aforesaid order dated 08.02.2024 (Annexure P-5), passed by this Court in CWP-9883-2019, petitioners submitted their respective replies to notices dated 05.03.2019 (Annexure P-4, Colly.); however, subsequently, petitioners were again issued notices dated 08.08.2025 (Annexure P-7) and respondents also refused to accept rent from the petitioners. It is stated that although some of petitioners submitted their respective replies to fresh notices dated 08.08.2025 (Annexure P-7); however, since said

replies were not being considered by concerned authority, accordingly, petitioners No. 3 to 11 filed another writ petition (CWP-26991-2025), which was also disposed of, vide order dated 12.11.2025 (Annexure P-11); the relevant extract of which reads as under :-

“2. Learned senior counsel appearing for petitioners, inter alia, submits that before issuing order/notice dated 08.08.2025 (Annexure P-8, Collectively), no opportunity of hearing has been afforded to the petitioners.

3. Today, learned State counsel, on instructions from Mr. Navdeep, Executive Officer, Panchayat Samiti, Kanina, District Mahendergarh, has submitted that as on date, no further action in pursuance to the impugned order/notice is contemplated and rather, the authorities would proceed to take action against the petitioners either under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (in short '1972 Act') and/or any other Act that may be applicable in the peculiar facts and circumstances of this case, after affording due opportunity of hearing to all concerned parties.

4. Keeping in view the aforesaid fair stand taken by learned State counsel, no further orders are required to be passed in the instant civil writ petition and same is accordingly disposed of.”

2.6 A perusal of above extracted order dated 12.11.2025 would clearly indicate that earlier writ petition (CWP-26991-2025) was disposed of on the statement of learned State counsel that the authorities would proceed to take action against the petitioners/shopkeepers under the provisions of 1972 Act and/or any other act; which may be applicable in the matter.

2.7 It appears that now an eviction petition (Annexure P-12) under 1972 Act has been filed by Panchayat Samiti, Kanina against the petitioners/shopkeepers.

3. In the aforementioned circumstances, the petitioners have filed the instant civil writ petition before this Court for seeking relief(s), as noticed hereinabove.

4. Heard.

5. Concededly, the petitioners were inducted on the land owned by Panchayat Samiti, Kanina on rent basis. A perusal of Clause (3) of eviction petition (Annexure P-12) would show that a specific ground has been taken in the eviction petition that the space was rented out with a clear stipulation that the shops would be vacated 'as and when required by the samiti'. It is further stated in para-5 of eviction petition (Annexure P-12) that the petitioners have constructed solid shops at the site, which falls in the category of encroachment. In para-4 of eviction petition (Annexure P-12), following averment has been made :-

“4. That the Panchayat Samiti has constructed a complex for the Mini Secretariat and Court on the place where the shops were located and the work of the Mini Secretariat is almost complete and the work of the Court complex is going on and for both these buildings, there is a need for approach roads and space for parking.”

5.1 Initially, the petitioners had approached this Court by filing writ petition, challenging action of Panchayat Samiti, Kanina in issuing notices to them for vacating the property in question, on the plea that proper procedure prescribed under 1972 Act has not been followed, accordingly, this Court, vide order dated 12.11.2025 (Annexure P-11),

disposed of writ petition on the categorical statement made by learned State counsel that the proceedings against shopkeepers would be initiated in accordance with provisions of 1972 Act.

5.2 Now, when the eviction petitions have been filed against petitioners and other shopkeepers under 1972 Act, the petitioners have again approached this Court by filing the instant civil writ petition on the plea that the site plan of Civil Secretariat/Mini Secretariat be modified so as to spare shops of the petitioners.

5.3 From a perusal of eviction petition, it would be evident that the work of Mini Secretariat is stated to be almost complete and the work of Court Complex is going on and for both these buildings, there is a need for approach roads and space for parking.

5.4 It appears that on account of occupation of property by petitioners and other shopkeepers, the aforesaid work of construction of Mini Secretariat and Court Complex is being affected/delayed. The filing of instant writ petition clearly demonstrates the conduct of petitioners in prolonging their possession over the site, which in my considered view, is not in the larger public interest.

5.5 At this stage, learned counsel for petitioners submits that the Panchayat Samiti, Kanina has passed another resolution dated 05.06.2025 (Annexure P-14), wherein it has been resolved that the Panchayat Samiti should construct shop on the land south of Mahendergarh-Rewari road and take action for the people whose livelihoods have been affected.

5.6 I have considered the aforesaid contention raised on behalf of petitioners; however, I find no merit in the same, especially considering the fact that the said resolution is dated 05.06.2025

(Annexure P-14) which is much prior to the filing of the writ petition (CWP-26991-2025), filed by the petitioners and other shopkeepers and the said writ petition was disposed of, vide order dated 12.11.2025 (Annexure P-11) primarily on the statement of learned State counsel that the proceedings against petitioners would be initiated under 1972 Act.

6. Considering the totality of circumstances, I am of considered view that the instant civil writ petition has been filed with an oblique motive to delay the decision of eviction petitions, filed by Panchayat Samiti, Kanina under 1972 Act and other consequences thereof and to prolong possession of petitioners over the site in question.

6.1 Evidently, the construction of Mini Secretariat as well as Court Complex is being affected, which is not in larger public interest. Accordingly, I find no merit in the instant civil writ petition and same is accordingly dismissed; however, there shall be a direction to the authority, dealing with the eviction petitions, filed by Panchayat Samiti, Kanina under 1972 Act to conclude the proceedings expeditiously.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

23.03.2026
sjks

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