



124

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14523-2026 (O&M)

Reserved on : 11.05.2026

Pronounced on : 18.05.2026

Judgment uploaded on : 18.05.2026

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced: Full

Aravali Public School

....Petitioner

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present : Mr. Divyam Singh, Advocate and
Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Saurabh Mago, DAG Haryana.

ALKA SARIN, J.

1. Present petition has been filed challenging the orders dated 19.11.2025 (Annexure P-9), 17.09.2025 (Annexure P-8), 02.07.2025 (Annexure P-6), 08.05.2025 (Annexure P-4) and 03.12.2024 (Annexure P-2).
2. The brief facts relevant to the present *lis* are that the Gram Panchayat Ferozepur Jhirka Majra Thekri and Gyaniwas, Block Ferozepur Jhirka, District Nuh through its *Sarpanch* filed an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961(hereinafter referred to as the Act of 1961) for eviction of the petitioner-School herein on the ground that the petitioner-School was in unauthorized occupation of the

Rasta falling in Khewat No.1901, Khatauni No.2125, Khasra No.621 total measuring 21 Kanals 05 Marlas. It was noticed in the order dated 18.11.2020 (Annexure P-1) that road No.621 passes through the boundary wall of the petitioner-School and joins Delhi-Alwar highway. Referring to some alternate routes, the Collector disposed off the application directing the Gram Panchayat Dhamala to make a case as per rules in this regard and send to the Director, Panchayat.

3. On 01.05.2024 a petition was filed by one Rasid under Section 7 of the Act of 1961 against the petitioner-School and respondent No.5 herein stating therein that the petitioner-School had built the boundary wall of the School on an area of 03 Kanals 04 Marlas on the northern side of Khasra No.621 *Gair Mumkin Rasta*. Vide order dated 03.12.2024 (Annexure P-2) the Assistant Collector Ist Grade, Ferozepur Jhirka, relying on the demarcation report and the spot inspection carried out by the Assistant Collector Ist Grade himself, held that the petitioner-School herein had occupied land of the Gram Panchayat by making permanent construction on an area of 03 Kanals 04 Marlas and therefore ordered the eviction of the petitioner-School. Aggrieved by the same, an appeal was preferred. The said appeal was dismissed in default vide order dated 08.05.2025 (Annexure P-4) which reads as under :

“File presented. Case called. No one came present on behalf of appellant. Case has been called several time and court time is also going to over but no one has come present on behalf of appellant. Earlier the appellant did not appear on 28.01.2025, 18.02.2024, dated 18.03.2025, dated 17.04.2025 and today also on 08.05.2025. From this it is clear that appellant did not want to pursue his case. Hence this case of the appellant is dismissed in default.

Lower court is directed that he in compliance of its order dated 03.12.2024 remove the illegal possession of the appellant from the land in dispute within 15 days and report be sent to this office. Order pronounced in open court. File be consigned to the record room after its compliance.”

4. An application was filed for restoration of the appeal on 13.06.2025, which was sent to the Court by post and was received on 20.06.2025. It was stated in the application that since the counsel was busy in a matter before the District and Sessions Court, Nuh and the petitioner himself i.e. Director of the petitioner-School was busy otherwise, none appeared. The said application was dismissed vide order dated 02.07.2025 (Annexure P-6) on the ground that the same was devoid of any merit as well as being barred by limitation. Aggrieved by the same an appeal was preferred before the Divisional Commissioner, Faridabad which appeal was also dismissed in default vide order dated 17.09.2025 (Annexure P-8). However, after Court hours an application was filed for restoration, which was then listed on 19.11.2025. On 19.11.2025 the said application was dismissed. Hence, present writ petition.

5. Mr. Divyam Singh, counsel for the petitioner-School has contended that the counsel for the petitioner-School was busy before the District and Sessions Court, Nuh, hence, he could not appear on 08.05.2025 when the order Annexure P-4 came to be passed by District Collector, Nuh. It is further the contention that on 17.09.2025, when the case was dismissed in default, the counsel appeared after the Court timings on the same day and presented an application.

6. We have heard learned counsel for the parties.

7. In the present case the petitioner-School, as held by the Assistant Collector Ist Grade, Ferozepur Jhirka vide order dated 03.12.2024 (Annexure P-2), is in unauthorized possession and has constructed the boundary wall of the School on 03 Kanals 04 Marlas of land, which is *Gair Mumkin Rasta*. The said fact is further fortified by order dated 18.11.2020 (Annexure P-1) wherein the Collector, Ferozepur Jhirka had also held that the Gram Panchayat Dhamala should prepare the case as per rules for alternate routes. There is no denying the fact that the petitioner-School has constructed its boundary wall falling in the *Gair Mumkin Rasta*. Learned counsel for the petitioner-School has stated that the petitioner-School is a reputed school serving the population of the village and the adjoining areas and has been operating since the year 2000. On a query by the Court as to whether the school premises was built on the *Gair Mumkin Rasta*, learned counsel for the State has pointed out that it is not the school building which is raised on the *Gair Mumkin Rasta* rather it is a boundary wall which has been built on the *Gair Mumkin Rasta*. It is further submitted by the State counsel that it is the boundary wall of the hostel which is built on the *Gair Mumkin Rasta*. Vide order dated 03.12.2024 (Annexure P-2) the Assistant Collector Ist Grade held the petitioner-School to being in unauthorized possession of the land of the Gram Panchayat. The authorized person of the petitioner-School and its counsel did not appear on 28.01.2025, 18.02.2024, 18.03.2025 and 17.04.2025 and again on 08.05.2025. The petitioner-School is well-aware, as is apparent from the facts narrated above, that it is in unauthorized occupation of *Gair Mumkin Rasta*. It appears that in order to delay the proceedings such a *modus operandi* of not putting in appearance on dates fixed is being resorted to. The application for restoration of the appeal was also sent by post which was received by the Court on 20.06.2025. On the one hand it has been stated that the counsel could not

appear as he was busy before the District and Sessions Court, Nuh and the Director of the petitioner-School herein had gone out of station due to urgent official work and therefore could not attend the Court proceedings while on the other hand it has been stated that due to misunderstanding qua the date of hearing he could not appear before the Court. Though it has been stated in the application that the petitioner-School came to know about the proceedings in the evening on 08.05.2025, however, the application for restoration of the appeal (Annexure P-5) itself is dated 13.06.2025 and sent through post, which was received in Court on 20.06.2025. Subsequently, the said restoration application came to be dismissed vide order dated 02.07.2025 (Annexure P-6). Aggrieved by the same, an appeal was preferred before the Divisional Commissioner, which was also dismissed in default on 17.09.2025. Even on 19.11.2025, initially when the order was passed, neither the counsel was present nor any official from the petitioner-School was present. Thereafter, the counsel appeared and, as noticed in the order, put pressure for taking up the matter for hearing out of turn. The counsel was heard and vide order dated 19.11.2025 (Annexure P-9) the restoration application was dismissed.

8. The petitioner herein knowing fully that it is in unauthorized occupation of the *Gair Mumkin Rasta* is purposely, in an endeavour to delay the matter, has not been appearing before the authorities concerned. The non-appearance by the petitioner-School on more than one occasion and before more than one Authority points to adoption of dilatory tactics by it. No party can be permitted to misuse and abuse the process of law in order to gain advantage and in order to delay the proceedings to the detriment of the other party. In a case involving repeated adjournments the Supreme Court in **Ishwarlal Mali Rathod vs. Gopal [(2021) 12 SCC 612]** observed inter-alia that “*Although adequate liberty was given to the defendant to cross-examine*

the plaintiff's witness, they never availed of the same and went on delaying the proceedings by repeated prayers of adjournment and unfortunately the trial court and even subsequently, the High Court continued to grant adjournment after adjournment and as such contributed to the delay in disposal of the suit which as such was for eviction. Such approach is wholly condemnable. Law and professional ethics do not permit such practice. Repeated adjournments on one or the other pretext and adopting the dilatory tactics is an insult to justice and concept of speedy disposal of cases. The petitioner-defendant acted in a manner to cause colossal insult to justice and to concept of speedy disposal of civil litigation". The present is one such case where this Court does not deem it appropriate to interfere in the orders passed by the authorities below keeping in view the conduct of the petitioner-School.

9. In view of the above, the present petition is dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

18.05.2026
jk

(RAMESH CHANDER DIMRI)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO