



107

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

CWP-8363-2026 (O&M)

Date of Decision : 20.03.2026

Shamlat Patti Gariban & Ors

... Petitioner(s)

Versus

State of Haryana & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Mr. Kiran Pal Singh, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Challenge in the present writ petition is to the order dated 05.05.2023 (Annexure P-15) and the order dated 10.12.2025 (Annexure P-17) whereby the claim filed by the petitioners under Section 13-A(1) read with Section 7 of the Punjab Village Common Lands (Regulation) Act 1961, as applicable to the State of Haryana at the relevant time (hereinafter referred to as 'Act'), has been rejected.

2. Learned counsel for the petitioners has contended that as per the process laid down under Section 13-A(2) of the Act, the procedure for deciding suits under sub-Section 1 of Section 13-A of the Act is the same as has been laid down in the Code of Civil Procedure, 1908. It is further the contention that the procedure has not been followed and the title suit has been dismissed in a summary manner.

3. Notice of motion.

4. Mr. Saurabh Mago, DAG Haryana accepts notice on behalf of respondent Nos.1 to 4/State. Learned State counsel is not in a position to deny



2026:PHHC:044451-DB

CWP-8363-2026 (O&M)

that due procedure as envisaged in Section 13-A(2) of the Act has not been followed by the Collector while deciding the matter vide order dated 05.05.2023 (Annexure P-15).

5. In view of the above, the present writ petition is allowed as the procedure as envisaged under Section 13-A(2) of the Act has not been followed. The orders dated 05.05.2023 (Annexure P-15) and 10.12.2025 (Annexure P-17) are accordingly set aside. The matter is remanded to the Court of Collector concerned for a decision afresh on merits, in accordance with law.

6. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

**(RAMESH CHANDER DIMRI)
JUDGE**

20.03.2026
Yogesh Sharma

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