

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

COCP-281 of 2015

Date of decision: 15.12.2015

Surjit Singh

..Petitioner

Vs.

Gurmukh Singh & Others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Puneet Sharma, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for respondent No. 1.

Mr. V. Ramswaroop, Addl. A.G., Punjab.

RAKESH KUMAR JAIN, J.(ORAL)

In the order dated 21.08.2013, following directions were issued:-

"1. The Gram Panchayat to ensure that the water should not overflow to the fields of the petitioners, situated next to the pond. For that purpose, if need arises, a brick wall be constructed along with the pond.

2. The Block Development and Panchayats Officer concerned to initiate action as per law, for ejectment of the unauthorised occupants on the Gram Panchayat's land. BDPO shall also ensure that the land of the old pond be taken in possession by the Gram Panchayat to use it as per requirement".

And these things shall be done within a period of two months from the date of receipt of a copy of this order."

Since the order was allegedly not complied with, therefore, the present petition has been filed. In the reply filed by respondent No. 2, it is averred, in regard to the first direction as under:-

"1. A Bandh (height 2.5 to 4 feet x width 6 to 7 feet) on the boundary of pond has been made to check the overflow or leakage of the water.

2. The petition was filed through Social Education and Panchayat Officer under Sections 4, 5 and 7 of Punjab Public Premises and Land Eviction and Rent Recovery Act, 1973 in the Court of Collector, Kapurthala cum District Development Officer. On 21.11.2013 this petition was filed which is pending for 28.07.2015".

Counsel for the petitioner has disputed these facts and has submitted that the direction issued by this Court has not been complied with in its letter and spirit and that the respondents were directed to comply with the order within two months.

Counsel for the respondent has submitted that answering respondent unequivocally tender apology for the delay. Be that it may, order passed has been duly complied with but the petitioner had to unnecessary file this petition in which he has not only suffered expenses but has also faced harassment. Therefore, while disposing of this petition, respondent No. 1-office of BDPO is directed to compensate the

petitioner with the cost of ₹ 25,000/- which shall be paid to the petitioner directly by way of demand draft and in case of their failure, the petitioner may approach this Court by revival of this petition.

December 15, 2015

Poonam (II)

**(RAKESH KUMAR JAIN)
JUDGE**