

CWP No. 18 of 2012 (O&M)
DECIDED ON: SEPTEMBER 01, 2015

PRITAM SINGH & OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

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- 1. Whether Reporters of Local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. M.K. Singla, Advocate
for the non-applicants/petitioners.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

Mr. V.K. Sandhir, Advocate
for applicant/respondent No. 6.

SURYA KANT, J (ORAL)

The applicant/respondent has moved application for vacation of stay order dated 03.01.2012. However, as agreed to by learned counsel for the parties, main case is taken up on board for final disposal.

2. In deference to the order dated 31.07.2015, Mr. Varun Roojam, IAS Deputy Commissioner, Patiala has filed the status report after personally visiting the site. He has reported that out of 5 houses of the petitioners, only one house of petitioner Satpal Singh son of Bachan Singh is existing at the earlier spot and the remaining 4 houses of (1) Pritam Singh son of Munshi Singh (2) Sukhwinder

Singh son of Jeet Singh, (3) Rajinder Singh son of Jeet Singh, (4) Jaswinder Kaur wd/o Gurwinder Singh are not existing at their earlier spot. They have moved to the new site which is approximately 500 meters away from the earlier site where they have constructed their houses on panchayat land. The details of the dimensions of existing houses are annexed as Annexure R-1/1 with status report. It is also averred in the affidavit that Sarpanch has produced affidavits of these five petitioners of their consent to vacate the earlier houses built up on Panchayat land.

3. Notwithstanding the above-stated report, learned counsel for the petitioners submits that Jaswinder Kaur widow of Gurwinder Singh has not been allotted any new plot so far.

4. On the other hand, learned counsel for respondent No.6-Gram Panchayat states at the bar that Jaswinder Kaur has been allotted plot No.22 and 'Sanad' shall be issued in favour of all the petitioners including Jaswinder Kaur in due course of time, if it has not been issued so far.

5. Since the petitioners themselves consented for allotment of alternative sites and agreed to vacate the earlier sites coupled with the fact finding report submitted by Deputy Commissioner, Patiala, we are satisfied that in view of allotment of alternative plots to the petitioners where they have already taken possession, the stay order dated January 03, 2015 has become infructuous and is accordingly vacated.

6. Nothing more survives in the main case also except to direct the Deputy Commissioner, Patiala to ensure that the 'Sanad' are issued in favour of all the allottees as early as possible but not later than one month. As regards to Satpal Singh petitioner, if he gives an undertaking by way of affidavit to the

Deputy Commissioner, Patiala that he shall vacate and handover the peaceful vacant possession of the site to respondent No.6 on or before 03.10.2015 in that case his existing structure may not be demolished till then.

7. Disposed of.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

SEPTEMBER 01, 2015
SHAM