

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

CWP-12036-2015 (O&M)

Decided on : 29.06.2015

Narender Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: **Mrs.Puja Chopra, Advocate, for the petitioner.**

RAJIVE BHALLA, J. (ORAL)

CM-7501-2015

CM is allowed and Annexure P-9 is taken on record.

CWP-12036-2015

The petitioner's precise grievance is that despite order dated 16.01.2015 (Annexure P-3), passed by the Assistant Collector, Ist Grade, Pataudi, directing the Tehsildar to carry out a demarcation and then evict persons found in unauthorised occupation, the Tehsildar is unable to comply with this order, for want of police assistance and obstruction by unauthorised occupants.

We have heard counsel for the petitioner and perused the impugned order.

The power to pass an eviction order rests with the Assistant Collector of the Ist Grade. The Assistant Collector, Ist

Grade, has directed the Tehsildar to demarcate the land and in case any person is found in unauthorised occupation, to evict such a person. The direction so issued, is not being enforced for want of police assistance and obstruction by unauthorised occupants.

The writ petition is, therefore, disposed of by directing the Assistant Collector, Ist Grade, Pataudi, to ensure that demarcation is carried out within a month from today and in case any person is found in unauthorised occupation, evict such person by adopting the procedure prescribed by Rule 21(2) of the Punjab Village Common Lands (Regulation) Rules, 1964 (as applicable to the State of Haryana), within a month of the demarcation.

The Deputy Commissioner, Gurgaon, shall ensure that police assistance is provided to the Assistant Collector, Ist Grade and the Tehsildar at the time of demarcation as well as at the time of eviction of unauthorised occupants.

[RAJIVE BHALLA]
JUDGE

29.06.2015
Shamsher S.Sabharwal

[AMOL RATTAN SINGH]
JUDGE