

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

CWP No.12536 of 2015

Date of decision: 30.07.2015

Kulbir Singh @ Kalvir Singh and another

...Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. Rajinder Goel, Addl. Advocate General, Punjab

Ms. Naiya Gill, Advocate
for respondent No.3.

Rajive Bhalla, J (Oral)

Prayer in this petition is to restrain the Gram Panchayat from dispossessing the petitioners except in due course of law and to quash letter dated 10.06.2015, addressed by the Block Development and Panchayat Officer, Kharar to the Gram Panchayat, directing it to evict the petitioners.

Counsel for the petitioners submits that in the absence of an eviction order, the Block Development and Panchayat Officer had no jurisdiction to issue letter dated 10.06.2015 and the Gram Panchayat has no right to interfere in the peaceful possession of the petitioners till such time as an appropriate forum adjudicates his rights and passes an eviction order.

Counsel for the Gram Panchayat states that the Gram Panchayat shall not evict the petitioners except in due course of law.

Counsel for the State submits that it appears that letter dated

10.06.2015 was issued by the Block Development and Panchayat Officer

only to ensure that the Gram Panchayat initiates eviction proceedings and therefore, cannot be construed as a direction to forcefully evict the petitioners.

We have heard counsel for the parties and as admittedly there is no eviction order against the petitioners, dispose of the writ petition by directing the Gram Panchayat not to interfere in the possession of the petitioners except in due course of law.

The petition filed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, shall be decided within three months from the next date of hearing.

(Rajive Bhalla)
Judge

July 30, 2015
vcgarg

(Amol Rattan Singh)
Judge