

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

**CWP No.14453 of 2015 (O & M)
Date of Decision:-30.11.2015**

Sarup Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA**

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Virendra Rana, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Tapish Kumar Gupta, Advocate
for respondent No.7.

None for respondent No.8.

SURYA KANT J.(Oral)

CM Nos.14925 and 14895 of 2015

Applications are allowed subject to all just exceptions.

Replies on behalf of respondents No.7 and 8 alongwith
annexures are taken on record.

CWP No.14453 of 2015

1. There are allegations and counter allegations of unauthorized and illegal encroachment on Gram Panchayat land, between the petitioners and the private respondents.

2. For the purpose of adjudication of the instant writ petition, suffice it to mention that Khasra No.527 in the revenue estate of Village Mubarakpur, Tehsil Farrukh-Nagar, Gurgaon is owned by the gram panchayat. This Court vide order dated 13.5.2015 passed in CWP No. 9341 of 2015 (Surinder Singh vs. State of Haryana and others) directed the Assistant Collector 1st Grade, Pataudi to follow the prescribed procedure for the removal of illegal possession on Gram Panchayat land comprising Khasra No.527.

3. The petitioners have approached this Court claiming that under the garb of removal of encroachment from Khasra No.527, their houses, which are constructed in Khasra No.547 and 569 are also being demolished. They have further claimed that Khasra No.547 and 569 are owned by them. A civil suit in respect of those Khasra numbers is also pending in the Court of Civil Judge (Junior Division), Gurgaon.

4. The official as well as private respondents have filed their written statements. It does appear from the averments made therein that with the police assistance encroachments from Khasra No.527 have been removed.

5. Be that as it may, we reiterate that if any part of Khasra No.527 of the Gram Panchayat land is still under unauthorized occupation, the District Administration shall ensure the removal of such

illegal and unauthorized construction in accordance with law and by following the prescribed procedure.

6. As regard to Khasra Nos. 547 and 569, it is not expedient for this Court to express any views as the matter is stated to be pending in the Civil Court at Gurgaon. While the petitioners or anyone else has no right to occupy Khasra No.527, they may seek protection of their ownership or possessory rights qua Khasra Nos.547 and 569 in the pending Civil suit, which shall undoubtedly be decided in accordance with law.

7. With these observations, directions and clarifications the instant writ petition is disposed of.

**(SURYA KANT)
JUDGE**

November 30, 2015
Vijay Asija

**(HARI PAL VERMA)
JUDGE**