

CWP No. 17392 of 2014
DECIDED ON: SEPTEMBER 17, 2015

.....PETITIONERS

.....RESPONDENTS

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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?***

...

The petitioners are aggrieved by the orders dated January 24, 2013 (P-9) and May 29, 2013 (P-10) passed under Section 7 of the Punjab Public Premises and Land Eviction and Recovery Act, 1973 whereby, petitioners were ordered to be evicted from the land situated within the revenue estate of Village Bella Sariana. The finding given by the authorities is that the management of the land vests in the Gram Panchayat and the petitioners are in its illegal occupation. While holding so, the authorities has placed reliance on Section 42 (A) of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948.

2. When this petition came up for preliminary hearing on August 27,

2014, petitioners claimed that they are land-less persons and have constructed their dwelling units on a part of the subject land. We thus, issued notice to the respondents to explore the possibility whether the subject land can be sold to them at a concessional rate, in terms of Government Policy meant for allotment of residential plots to BPL families.

3. Balbir Kaur, Sarpanch of Gram Panchayat has filed her written statement controverting the petitioners' claim. It is stated that the petitioners neither belong to Scheduled Caste nor they are land-less persons.

4. Since the above-mentioned plea taken by the petitioners is a seriously disputed question of fact and it is nearly impossible for this Court to effectively resolve the same and there is no reason whatsoever for us to disbelieve the Sarpanch who has supported their plea by appending the relevant record, we deem it appropriate to dispose of this writ petition with liberty to the petitioners to approach the Deputy Commissioner, Hoshiarpur for allotment of a residential plot, as per the Government Policy, if any, provided that (i) petitioners are actually a land-less persons; (ii) they are living Below Poverty Line; and (iv) there are no means of livelihood with them.

5. We have no reason to doubt that if the petitioners would make out such a case, the authorities would consider their claim sympathetically.

6. Ordered accordingly.

**[SURYA KANT]
JUDGE**

**SEPTEMBER 17, 2015
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**[JASPAL SINGH]
JUDGE**