

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.16759 of 2015

Date of Decision: August 14, 2015

Dilbag Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Sukhdeep Parmar, Advocate, for the petitioner.
Ms.Kirti Singh, Deputy AG, Haryana.

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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?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 3 only at
this stage.

On our asking, Ms.Kirti Singh, learned Deputy
Advocate General, Haryana, accepts notice on their behalf.

Let three copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 to 3 or to serve respondent No.4 at this
stage as no order prejudicial to his interest is being passed.

The petitioner is a resident of village Vaisher, Block
Matlauda, District Panipat. He has averred that 848 acres and 4
kanals land is owned by Gram Panchayat out of which over 520

acres is reserved as Gau Charand. He has further alleged that the above-stated land was leased on auction for the year 2009-2010 for an amount of Rs.32,56,050/- but the persons who took it on lease did not vacate it and are sitting over it as unauthorized occupants. Resultantly, the land could not be subsequently leased out. In this backdrop, the petitioner seeks a mandamus to direct the authorities to remove the illegal encroachments over the Gram Panchayat land.

The petitioner has further averred that despite making a representation and serving legal notice, no action has been taken by the respondent-authorities.

If there is any substance in the petitioner's allegations, it is quite a serious matter where not only the Gram Panchayat but the District Administration has also failed to perform its duties. If the persons who took the land on lease for one year are holding possession unauthorizedly despite expiry of lease period of one year, it obviously means loss of crores of rupees to the Gram Panchayat. It could not have happened but for and with the collusion and connivance of the Gram Panchayat, the officers of Rural and Panchayat department and the District Administration. As of now, we will not say anything more except to direct the Deputy Commissioner, Panipat to look into the matter and if the petitioner's allegations are found to be correct, to ensure that illegal encroachments are removed at the earliest and recoveries are effected from those who are responsible for causing huge loss to the Gram Panchayat. The necessary steps for eviction of the unauthorized encroachers shall be taken within a period of two months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Let a copy of this order be given dasti to Ms.Kirti Singh, learned Deputy Advocate General, Haryana, for information and necessary compliance.

[SURYA KANT]
JUDGE

August 14, 2015
mohinder

[JASPAL SINGH]
JUDGE