

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17729 of 2015
Date of Decision: August 26, 2015

Smt.Kamlesh

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.J.P.Dhull, Advocate, for the petitioner.
Ms.Kirti Singh, Deputy Advocate General, 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.

On our asking, Mr.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let four 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 the respondents at this stage.

The short grievance of the petitioner is that her residential house is sought to be demolished on the premise that several persons including brother of her deceased husband have been found to have encroached upon the Gram Panchayat land. While eviction orders under Section 7 (2) of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, were passed but it is alleged that the petitioner was not a party-respondent to those proceedings.

The principal question that arises for consideration is whether there is encroachment over the Gram Panchayat land? Since several persons are found to have encroached upon Khasra No.290, at the best, respondent No.4 is obligated to serve a show-cause notice on the petitioner explaining the extent of encroachment by her on the public/Gram-Panchayat land.

In this view of the matter, we dispose of this writ petition without expressing any views on the merits of the allegations made, with a direction to respondent No.4 to issue a show cause notice giving description of the area alleged to have been encroached upon by the petitioner and consider her objections, if any. The 4th respondents shall issue show-cause notice to the petitioner within one week and the petitioner shall be granted another one week's time to submit her reply/objections and thereafter appropriate orders shall be passed by respondent No.4 after considering the objections/reply submitted by the petitioner, within a period of two weeks.

Till then, status-quo re: demolition shall be

maintained.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 26, 2015
mohinder

[JASPAL SINGH]
JUDGE