

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.19742 of 2015
Date of Decision: September 17, 2015

Gian SinghPetitioner

versus

The State of Haryana and othersRespondents

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

Present: Mr.Sandeep Goyal, Advocate, for the petitioner.
Mr.Anil Mehta, DAG, 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 4 only at
this stage.

On our asking, Mr.Anil Mehta, learned Deputy
Advocate General, Haryana, accepts notice on their behalf.

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
respondent Nos.1 to 4 or to serve respondent Nos.5 & 6 at this
stage as no order prejudicial to their interest is being passed.

The short grievance of the petitioner in the instant
writ petition is that the Tehsildar, Kaithal is not carrying out
demarcation to determine whether or not respondent No.6

has encroached upon the Gram Panchayat land measuring 1 kanal in Khasra No.494 situated within the revenue estate of village Kakaut, Tehsil and District Kaithal.

From the material placed on record, it appears that the petitioner filed an eviction petition against respondent No.6 under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana (for short, 'the Act'), which was allowed by the Assistant Collector 1st Grade-cum-DDPO, Kaithal vide order dated 28.12.2012. 6th respondent filed appeal against that order which was allowed in part by the Collector, Kaithal, vide order dated 28.05.2013 observing that the demarcation report relied upon against him was prepared in the absence of respondent No.6. A direction was thus issued to decide the case afresh after getting the demarcation conducted “in the presence of both parties”. It further appears that the ACIG-cum-DDPO has time and again requested Tehsildar, Kaithal including vide memo dated 28.01.2015 (P-15) to carry out the demarcation but no such action has been taken so far.

The petitioner alleges that the Tehsildar, Kaithal is colluding with respondent No.6.

While we do not accept the allegation at this stage but find no rhyme or reason for the Revenue Officer for not carrying out demarcation when the direction was issued by the Collector, Kaithal two years back. The instant writ petition is thus disposed of with a direction to the Tehsildar, Kaithal to comply with the order dated 28.05.2013 passed by the Collector, Kaithal and to carry out afresh demarcation in the presence of both the parties with one week advance notice to them, before 31.12.2015. In case needful is not done within

the stipulated period, liberty is granted to the petitioner to seek revival of this petition.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 17, 2015
mohinder

[JASPAL SINGH]
JUDGE