

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.20408 of 2015
Date of Decision: September 24, 2015

Rampahl ChaudharyPetitioner

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Devinder Singh, Advocate, for the petitioner.

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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)

The petitioner alleges that the private-respondents who are residents of village Bhogpur, near CRPF Post, Pinjore, Tehsil Kalka, District Panchkula, have allegedly encroached upon the public passage, i.e., rasta-sare-aam comprising Khasra No.146/74 in the revenue estate of the above-stated village. Site-plan and photographs have been appended to substantiate his allegations. The petitioner further alleges that despite his complaint-cum-representation, no action has been taken by the authorities.

Having heard learned counsel for the petitioner, it appears to us that in case the private-respondents or any other person have encroached upon the public passage, it is imperative upon the Gram Panchayat or other authorities to initiate prompt action against such encroachers under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961,

as application to the State of Haryana (for short, 'the Act'). However, if the Gram Panchayat does not take such action, the petitioner can avail the aforesaid remedy.

We thus dispose of this writ petition with a direction to respondent Nos.2 & 3 to issue necessary instructions to the Gram Panchayat or alternatively, the petitioner may initiate such proceedings, as early as possible and preferably within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 24, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE