

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21388 of 2015

Date of Decision:-10.12.2015.

Bhai Dilawar Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. R.S. Bains, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

- 1.) Notice of motion.
- 2.) On our asking, Mr. K.K. Gupta, learned Additional A.G. Punjab accepts notice on behalf of the respondents. Let four copies of the writ petition be supplied to him during the course of the day failing which the writ petition shall be dismissed for non-prosecution.
- 3.) In view of the nature of order we propose to pass, it is not necessary to seek any counter-affidavit at this stage.
- 4.) The petitioners are residents of village Bagrian, Tehsil Malerkotla, District Sangrur. They allege that *Shamlat* land which vests in Gram Panchayat, situated in the revenue limits of their village, has been encroached upon fully or partially by various

persons and despite intervention by this Court and other Authorities, no demarcation, in accordance with law is being carried out and consequently, no effective action has been taken so far to remove the encroachments.

5.) There can indeed be no doubt that if Gram Panchayat land has been encroached upon, it is imperative not only upon the Gram Panchayat but the District Administration also that necessary steps for removal of such encroachments are taken in accordance with law. Since the question whether or not encroachments have been made will largely depend upon the correct demarcation of the *Shamlat* land, we dispose of this writ petition without expressing any view on merits with a direction that if the petitioners have already submitted an appropriate application/petition before the prescribed authority to carry out such demarcation, the Deputy Commissioner, Sangrur shall ensure that the needful is done by the prescribed authority after advance notice to all concerned and in a time bound manner. If a formal petition has not been filed so far, the petitioners may do so within a period of one month and on filing thereof, the Competent Authority shall decide the same in accordance with law within a period of four months from the date of its filing.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 10, 2015.

sandeep sethi