

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.22258 of 2015

Date of Decision: October 16, 2015

Rameshwar and others

....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Ivneet Singh Pabla, Advocate, for the petitioners.

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 petitioners allege that some private persons have encroached upon the Gram Panchayat land comprising a public passage leading to cremation ground of the village. Reliance is placed on a demarcation report said to have been submitted by the Tehsildar, Thanesar.

The question whether a person has encroached upon the Gram Panchayat land/shamlat deh, can be adjudicated by the Assistant Collector through summary proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana (for short, 'the 1961 Act')? Even a bonafide resident of the village can initiate such proceedings. The demarcation report relied upon by the petitioners is a piece of evidence and cannot be taken as an order passed by the judicial or quasi-judicial Forum to hold that there is an encroachment on a public passage.

In these circumstances, we dispose of this writ petition with liberty to the petitioners to initiate appropriate proceedings under Section 7 of the 1961 Act. If such a petition is filed, the Competent Authority is directed to decide the same expeditiously.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 16 , 2015
mohinder

[P.B.BAJANTHRI]
JUDGE