

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.22836 of 2015

Date of Decision: October 28, 2015

Mohinder Singh and othersPetitioners
versus
State of Punjab and othersRespondents

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

Present: Mr.M.S.Kang, Advocate, for the petitioners.

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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 & 2 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let two 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 & 2 or to serve respondent Nos.3 & 4 at this
stage as no order prejudicial to their interest is being passed.

The petitioners are residents of village Kariha,
Tehsil Nawanshahr, District Shaheed Bhagat Singh Nagar. They
allege that an eviction order under Section 7 of the Punjab

Village Common Lands (Regulation) Act, 1961 was passed on 23.01.2004 (P-2) against one Buta Singh at the instance of the Gram Panchayat of their village. It was held that the subject-land vests in Gram Panchayat and Buta Singh was in its illegal possession. According to the petitioners, Buta Singh sold his own land adjoining to the illegally encroached Gram Panchayat land to Smt.Manjit Kaur who is the wife of the Sarpanch of Gram Panchayat-respondent No.3. It is further alleged that the Sarpanch and his family have also taken over the possession of Gram Panchayat land as well which was earlier occupied by Buta Singh. On this premise, it is alleged that no action is being taken to execute the eviction order passed against Buta Singh way back in the year 2004.

The petitioners have raised the above-mentioned claim vide representation-cum-complaint dated 27.05.2015.

Having heard learned counsel for the parties, however without expressing any views on merits of the allegations levelled by the petitioners moreso when we have not heard respondent Nos.3 & 4 at this stage, we dispose of this writ petition with a direction to respondent No.2 to ascertain the true facts and take necessary remedial steps in accordance with law, after observing the principles of natural justice. Let the needful be done within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

October 28, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE