

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2492 of 2015 (O&M)
Date of Decision:13.10.2015

Ram Pal

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.R.S. Mamli, Advocate,
for the petitioner.

Mr.Pradeep Prakash Chahar, DAG, Haryana.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 28.11.2014 passed by the Deputy Commissioner, Yamuna Nagar, removing him from the post of Sarpanch, exercising his power under Section 175/177 of the Haryana Panchayati Raj Act, 1994 [for short 'the Act'] and order dated 30.1.2015 passed by the Additional Chief Secretary, Development and Panchayats Department, Haryana, exercising his power under Section 177(2) of the Act, dismissing his appeal.

The petitioner was the Sarpanch of Gram Panchayat, Alipur, Tehsil Jagadari, District Yamuna Nagar. An enquiry was conducted by the Deputy Chief Executive Officer, Zila Parishad, Yamuna Nagar on a complaint made by one Satish Kumar against the petitioner in which the petitioner was found in illegal possession

of the Panchayat land. Moreover, the Assistant Collector 1st Grade, Yamuna Nagar had already passed an ejectment order dated 10.6.2011 regarding the land in dispute which attained finality. Accordingly, the Deputy Commissioner, Yamuna Nagar passed the order, removing the petitioner, on 28.11.2014. The petitioner challenged that order in appeal but failed.

Learned counsel for the petitioner has submitted that the land in question is lying vacant and has relied upon a decision of this Court in the case of **“Desha Vs. Man Singh and another”** 2010(2) PLR 625 to contend that the ownership of the plot goes with the person in possession.

On the other hand, learned counsel for the State has submitted that the petitioner is blowing hot and cold in the same breath because he had averred in the reply filed to the application for ejectment under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 that he is in possession and is using the land in question as residence. The precise averment made in the written statement is as under: -

“That the answering defendants are using the land in dispute as owner in possession from the very beginning of consolidation and they are using as residence, because at the beginning they were living in kacha houses and now they have constructed pucca houses on the said land, therefore, in this manner the answering respondents are using the land in dispute as owner and they are in continuous possession from the date of consolidation.”

I have heard both the counsel for the parties and after examining the record, am of the considered opinion that there is no

error in the orders passed by the Courts below. The petitioner has already been ordered to be evicted in the proceedings initiated under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961, which has attained finality as it has not been challenged by the petitioner and thus, the petitioner, once found to be in illegal possession over the land of the Panchayat, has to suffer for his misdeeds and has rightly been ordered to be removed from the office of Sarpanch.

Dismissed.

13.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**