

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26100 of 2014 (O&M)

Date of decision : 21.12.2015

...

Gian Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

**Coram: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Abhinav Ghabroo, Advocate for
Mr. Rahul Sharma, Advocate for the petitioner.

Mr. K.K. Gupta, Additional Advocate General,
Punjab

Mr. Verlin Garg, Advocate for
Dr. Surya Parkash, Advocate for respondent No.3.

Mr. H.R. Bhardwaj, Advocate for respondent No.4.

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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 has approached this Court to direct the Gram Panchayat of Village Mullanpur Garib Dass to initiate action under Section 34 of the Punjab Panchayati Raj Act, 1994 for the removal of illegal encroachment stated to have been made on the Gram Panchayat land by respondent No.4. On seeing the photographs

appended with the writ petition, we called upon the respondents including respondent No.4, to explain the legality of the ongoing construction. The matter was heard at length and pursuant to the suggestions or directions, respondent No.4 has dismantled the cantilever and has now taken a stand that the unauthorized part of the construction stands removed.

(2) Though, learned counsel for the petitioner as well as of the Gram Panchayat still insist that the entire unauthorized construction has not been removed, we are satisfied that such like disputed issues cannot be effectively resolved in these proceedings. The writ petition is accordingly, disposed of with liberty to the Gram Panchayat to initiate action either in exercise of its own powers or in the Court of Assistant Collector Ist Grade, in accordance with provisions of the Punjab Village Common Lands (Regulation) Act, 1961, for the removal of unauthorized encroachments on public passages, *shamlat deh* or Gram Panchayat property, as the case may be. The DDPO/Prescribed Authority, before whom such proceedings are to be initiated, shall act promptly and in accordance with law.

(**Surya Kant**)
Judge

(**P.B. Bajanthri**)
Judge

December 21, 2015.
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