

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

101

**CWP No.3920 of 2014
Date of Decision: 02.03.2015**

Ajit Singh

....Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: Hon'ble Mr. Justice Jaswant Singh

Present: Mr. Karamveer Singh Banyana, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
for respondents No.1 to 5
along with Mr. Narinder Singh, BDPO, Pundri

Mr. Arvind Singh, Advocate
for respondents No.6 and 7
along with respondent No. 7 in person.

JASWANT SINGH, J. (Oral)

The petitioner is resident of village Jamba, Tehsil Pundri, District Kaithal. By filing the present writ petition he is seeking the quashing of a demarcation report dated 05.08.2013 (Annexure P12) and the order dated 30.09.2013 (Annexure P13) whereby the authorities concerned have shown that the respondent No.7/Manoj Kumar-Sarpanch has not encroached upon land owned by Gram Panchayat comprised in Khasra No.99/2 adjacent to the abadi. It is not in dispute that said land in question is in the shape of a plot adjacent to the house of respondent No.7. Further, prayer is for issuing a direction to the

official respondents to remove respondent No.7 from the post of Sarpanch on account of his illegal possession of the aforesaid plot comprised in khasra No.99/2.

Upon notice, written statement on behalf of official respondents No.2 to 5 has been filed.

At the time of hearing, learned counsel for the State on instructions from Mr. Narinder Singh, BDPO, Pundri states that the encroachment in the said Khasra No.99/2 was found to be of the brother of respondent No.7, namely, Surinder Kumar, which also has now been retrieved by the Gram Panchayat.

Counsel for the respondent No.7-Manoj Kumar also on instructions from his client states with utmost responsibility that qua the allegations of encroachment in khasra No.99/2 relating to the answering respondent No.7 or his brother have been rendered infructuous in the light of possession having already been delivered by his brother to the Gram Panchayat. Therefore, he submits that present petition qua such directions has become infructuous, while the tenure of respondent No.7 as Sarpanch in any case is nearing to an end in the month of May, 2015, thus either the new Panchayat or complainant can initiate actions for removal of encroachments, if any.

After hearing counsel for the parties and keeping in view the totality of the circumstances, the present writ petition is disposed of as having been rendered infructuous as the possession of the land comprised in Khasra No.99/2 has since

been retrieved whereas regarding the question of removal of encroachments etc., complainant can seek his remedy in accordance with law.

Disposed of.

(JASWANT SINGH)
JUDGE

02.03.2015
pooja saini