

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

CWP No. 4007 of 2015

DATE OF DECISION : 09.03.2015

Rajender Singh Meghwal and others

.... PETITIONERS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Mukesh Kumar Verma, Advocate,
for the petitioners.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners, who are residents of village Tosham, District Bhiwani, have filed this petition seeking direction to respondents No.1 to 5 to protect the life and properties of innocent villagers of village Tosham.

It is the case of the petitioners that the *Gair Mumkin Johars* of village Tosham, which vest in the Gram Panchayat of the village under the provisions of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act'), are being mis-used and illegally encroached upon by various persons, including the State Government, as bus stand, Hart Bazar, stadium, lake, shops, hospital, Dharamshalas etc. have been constructed. A prayer has also been made to demolish all these constructions.

We have heard learned counsel for the petitioners.

It appears that the instant writ petition has been filed with some oblique motive. If any body is encroaching upon the *Gair Mumkin Johars* vesting in the Gram Panchayat, a complete mechanism has been provided under the Act to prevent and remove illegal encroachments on the land vested in the Gram Panchayat. At no point of time, the petitioners had invoked the said jurisdiction at all under the Act. Even if a lease has been granted by the Gram Panchayat, the same could have been got set aside by moving necessary application under Section 10-A of the Act. This remedy has also not been availed. At this stage, when some construction has been raised by the State Government after taking permission from the Gram Panchayat, the instant writ petition cannot be entertained under Article 226 of the Constitution of India for demolition of such kind of construction.

In view of the aforesaid facts, we do not find any ground to entertain this petition under Article 226 of the Constitution of India and the same is, hereby, dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 09, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE