

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

CWP-6968-2014

Decided on : 12.05.2015

Gram Panchayat Kaleke

.... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: **Mr.Mohinder Kumar, Advocate, for the petitioner.**

**Mr.Rajinder Goyal, Addl.A.G., Punjab,
for respondents No.1 to 4.**

None for other respondents.

RAJIVE BHALLA, J. (ORAL)

The petitioner prays for issuance of a writ of mandamus, directing respondent No.2 to remove illegal encroachments on land measuring 1 kanal and 7 marlas, bearing Khasra No.1289 in village Kaleke, Tehsil Baba Bakala, District Amritsar, as the land has been reserved for “Garah Khaad”.

Counsel for the petitioner submits that a perusal of the revenue record reveals that the land, in dispute, was reserved for a “Garah Khaad”. As per the report (Annexure P-5), the private respondents, in order to access the metalled road have opened their gates towards the land reserved for “Garah Khaad”.

No-one is present on behalf of the private respondents.

The report (Annexure P-5) reveals that certain persons

have excavated passages to link their houses to the main road.

The Gram Panchayat is empowered under Section 34 of the Punjab Panchayati Raj Act, 1994 and under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the “1961 Act”), to prevent/remove unauthorised user of Gram Panchayat land and/or call upon the Assistant Collector, Ist Grade, exercising powers under Section 7 of the 1961 Act, to remove any encroachment or unauthorised occupation of land that belongs to the Gram Panchayat. The Gram Panchayat may, therefore, seek its remedy in accordance with the aforesaid provisions. If the Gram Panchayat choses to approach the Assistant Collector, Ist Grade, under Section 7 of the 1961 Act, the petition so filed shall be considered and decided after hearing all parties concerned, in accordance with law within a period of **three months** of its filing.

Disposed of accordingly.

[RAJIVE BHALLA]
JUDGE

12.05.2015
Shamsher S.Sabharwal

[AMOL RATTAN SINGH]
JUDGE