

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

Civil Writ Petition No.6364 of 2015

Date of Decision: 06.04.2015

Gram Panchayat, Village Jartauli, Sub Tehsil Dehlon, District Ludhiana

..... Petitioner

Vs.

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mohinder S. Nain, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The Gram Panchayat, Village Jartauli through its Sarpanch has filed the present writ petition challenging the offending portion of order/letter dated 18.03.2015 (**Annexure P-3**), whereby the B.D.P.O., Dehlon has written a letter to Major Singh/respondent No.3 regarding removal of encroachment made by him in the street over the drain in the form of a ramp constructed by him.

Having heard learned Counsel for the petitioner, this Court finds no grounds to interfere in the impugned portion of the order/letter (**P-3**).

It is apparent that the order/letter (**P-3**) is addressed to a private party/Major Singh directing him to remove encroachment. The copy of the said letter has been forwarded to the Sarpanch of the Gram Panchayat, Jartauli with a direction to get encroachment removed in accordance with law/rules till 27.03.2015. Therefore, as such, no fault can be found with such a direction. Merely because on a earlier occasion, Major Singh has obtained an *ex parte* decree dated 22.04.2014 (**P-4**) restraining petitioner/defendant from damaging the street by digging the drain, would still not preclude taking appropriate course of

action by the Gram Panchayat, which of course should conform to the provisions of law. The fact that no steps have been taken by the Sarpanch of the Gram Panchayat for setting aside the *ex parte* decree dated 22.04.2014 (**P-4**) till now, further suggests some kind of connivance with said Major Singh.

Be that as it may, this Court finds nothing offending in the aforesaid directions, passed by the BDPO to the Sarpanch to remove the encroachment in accordance with law.

Hence, the present writ petition is dismissed with costs of ₹ 10,000/- to be deposited within one month with District Legal Services Authority, Ludhiana.

April 06, 2015
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(JASWANT SINGH)
JUDGE