

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8469 of 2015

Date of decision:- 04.05.2015

Jhanda Ram

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present:- Mr. Suresh Kumar Aneja, Advocate
for the petitioner.

RAJIVE BHALLA, J (ORAL).

Counsel for the petitioner submits that though an order has been passed under Section 7 of the Punjab Village Common Land (Regulation) Act, 1961 directing the petitioner's eviction from land that is allegedly a part of a 'Gair Mumkin Pond', the respondents have, in view of a contempt petition filed before this Court, demolished the petitioner's house, without demarcating the land. The respondents may, therefore, be directed to demarcate the land and in case it is found that the petitioner has not raised construction on any part of the 'Gair Mumkin Pond', they may be directed to reconstruct the house or to pay compensation.

We have heard the counsel for the petitioner and appraised the record.

Admittedly, the petitioner has filed an appeal before the Joint Development Commissioner, Punjab, exercising powers of the

Commissioner, under the Punjab Public Premises and Land (Eviction and Recovery of Land) Act, 1973. The writ petition is, therefore, disposed of by granting liberty to the petitioner to raise the points raised in the present petition before the Joint Development Commissioner, Punjab, who shall, if these points are raised, order demarcation and then consider whether the structure that has been demolished was raised in the land of the 'Gair Mumkin Pond'. If it is found, as a matter of fact that the structure was not raised in any part of the land of the pond or on common land, the petitioner would be at liberty to pray for issuance of orders directing the Gram Panchayat to re-construct the demolished structure and/or pay compensation.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

04.05.2015
amit rana