

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9772 of 2015

Date of Decision:- 22.09.2015.

Gram Panchayat Village Balongi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. S.S. Toor, Advocate for the petitioner.

Mr. H.N.S. Gill, Additional A.G. Punjab.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

SURYA KANT, J. (ORAL)

1.) The case of the petitioner-Gram Panchayat is that *Khasra* No.45/1 *Khewat* No.464, *Khatoni* No.470 *Hadbast* No.26 measuring 1 *Kanal* 1 *Marla* in village Balongi vests in the Gram Panchayat as it is ear-marked for the common purpose of construction of 'public toilets'.

2.) The petitioner-Gram Panchayat alleges that after encroaching upon the above mentioned *Khasra* number, respondent No.3 has raised commercial building over that site.

3.) The question whether respondent No.3 has encroached upon a part of the Gram Panchayat land can only be determined after carrying out the demarcation of the subject land, in accordance with law and principles of natural justice.

4.) We, thus, dispose of this writ petition with a direction to the Deputy Commissioner, Mohali to constitute a team headed by an officer not below the rank of Tehsildar as well as BDPO of Block Kharar, one Field Kanungo and Patwari of the area, to carry out fresh demarcation of the above mentioned *Khasra* number. The aforesaid team shall do the needful after giving one week's advance notice to the petitioner-Gram Panchayat, through its Sarpanch and respondent No.3 and/or any other interested person. The demarcation shall be carried out in presence of the parties. The needful shall be done within a period of two months from the date of receipt of certified copy of this order. The next follow up action shall depend upon the outcome of the demarcation.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

September 22, 2015.

sandeep sethi