

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.10681 of 2015
Date of Decision: April 06, 2016

Labh Singh

....Petitioner

versus

Director, Rural Development and Panchayats, Punjab & ors.

.....Respondents

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

Present: Mr.Vikram Singh, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Umesh Kumar Kanwar, Advocate,
for respondent No.3.

:-

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?

Surya Kant, J. (Oral)

The petitioner has approached this Court challenging the orders dated 26.10.2010 and 04.04.2012 passed by Collector and the Appellate Authority under the Punjab Village Common Lands (Regulation) Act, 1961, respectively. Vide the first order, the eviction petition filed by the Gram Panchayat under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the Act') was allowed by the Collector, SAS Nagar Mohali and vide the subsequent order, the petitioner's appeal against that eviction order has been dismissed.

The aforementioned orders hold that the petitioner has encroached upon a part of the Gram Panchayat land, recorded as Gair Mumkin School though which was lying vacant and where petitioner has constructed a residential house alongwith court-yard. Since the petitioner was disputing the demarcation report on the basis of which he was found to have encroached upon the Gram Panchayat land, a fresh demarcation was got conducted in the presence of Local Commissioner appointed by this Court. The Tehsildar, Kharar alongwith other revenue officials carried out the demarcation. It has been categorically held in the new demarcation report that the petitioner has encroached upon 5.5 marla, i.e., 166.3 square yards Gram Panchayat land where he has constructed an old house.

Having heard learned counsel for the parties and keeping in view the fact that the subject land is not earmarked as a Johar (Pond) or for any other 'specific purpose', we dispose of this writ petition with a direction to the Deputy Commissioner, SAS Nagar Mohali to assess its market value so as to enable the Gram Panchayat to pass a resolution for the sale of the said land to the petitioner after invoking powers under the Punjab Village Common Lands (Regulation) Rules, 1964. The Deputy Commissioner shall do the needful within a period of two months from the date of receiving a certified copy of this order and thereafter the matter shall be considered by the Gram Panchayat within three months. No sooner the Gram Panchayat passes the resolution, the petitioner shall deposit the market value of the subject-land within three months.

Till then, the parties are directed to maintain status-quo.

Dasti.

[SURYA KANT]
JUDGE

April 06, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE