

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

CWP No.4939 of 2016 (O&M)

Date of Decision: 16.03.2016

Jagjit Singh & Anr.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Ajay Pal Singh, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners are residents of village Chhajli, Tehsil Sunam, District Sangrur. Their grievance is against the order dated 12.01.2016 (P16) passed by the DDPO, Sangrur passed in exercise of powers of the Collector under Section 7 of the Punjab Village Common Land (Regulations) Act, 1961 whereby the Gram Panchayat's eviction petition against the private respondents was dismissed on the ground that no encroachment was found after demarcation. The grievance of the petitioners is that as per the previous orders, the demarcation was required to be carried out through 'electronic machine' for which the Gram Panchayat even deposited the requisite charges but the authorities allegedly in collusion with the private respondents have passed the impugned order hurriedly.

(2) The above-stated order is admittedly appealable under the Act but such an appeal can be filed by the Gram Panchayat

only. Since the petitioners have now come up with a plea that the Gram Panchayat is also colluding with private respondents and is not inclined to file the appeal, we dispose of the writ petition with a direction to the Deputy Commissioner, Sangrur to intervene in the matter and if it is found that the impugned order has been passed for the reasons other than merit, he shall issue appropriate instructions to the Gram Panchayat to challenge the impugned order before an appropriate forum.

(3) Let the needful be done within a period of one month from the date of receipt of a certified copy of this order.

(4) Disposed of.

(Surya Kant)
Judge

16.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge