

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

CWP No. 7307 of 2016
Date of decision: 23.04.2016

Hare Krishan

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Ms. Deipa Singh, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to take necessary action on the representation/resolutions (Annexure P-2 to P-5) and to take necessary action against respondents No. 6 and 7, including Gram Panchayat and Sarpanch.

I have heard learned counsel for the petitioner and perused the paper-book.

The grievance of the petitioner is that the Sarpanch and the other members in connivance with various persons have passed certain resolutions regarding allotment of land in Kila No. 26 which is part of Panchayat land instead of land in Killa No. 7/20 which is part of *Gair Mumkin Johad* (Pond land), on the basis of which incorrect record has been prepared. Learned counsel for the petitioner relies upon ***Jagpal Singh and others Vs. State of Punjab and others***

2011 AIR (SCW) 990, wherein following specific directions have been issued by the Hon'ble Supreme Court:-

“Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat /Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Government/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases e.g. where lease has been granted under some Government notification to landless labourers or members of Scheduled castes/Scheduled Tribes or where there is already a school, dispensary or other public utility on the land.”

In the light of **Jagpal Singh's** case (supra), the authorities shall look into the grievance of the petitioner with respect to transferring of land comprised in Killa No. 7/20. The petitioner will also be at liberty to submit a copy of the writ petition to the concerned authority, which shall be treated as representation or the petitioner may submit fresh detailed representation.

Disposed of.

23.04.2016

PA

(Paramjeet Singh Dhaliwal)
Judge