

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

CWP No. 7726 of 2016

Date of decision: 27.04.2016

Guravtar Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. A.S. Bhullar, Advocate, for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 26.11.2015 (Annexure P-13) passed by respondent No.2 and further writ in the nature of mandamus directing respondent No. 2 to suspend respondent No. 3 and respondent No. 4 for being encroachers upon the Panchayat Land while holding the office of Panch and Sarpanch of village Sakraudi.

Learned counsel for the petitioner contends that the Panchayat is the owner of the land in question i.e. passage bearing *khasra* No. 919(1B-11B). He further contends that there is a specific finding in the proceedings under Section 133 Cr.P.C conducted by the S.D.M., Sangrur vide order dated 27.06.2011 (Annexure P-3) that the private respondents have encroached upon the above stated passage. Thereafter, a writ petition was filed by the petitioner for directions to decide representation dated 11.02.2015 (Annexure P-10)

upon which a direction was issued to look into the grievance of the petitioner as mentioned in Annexure P-10 to decide the same within a period of 4 months. After that a contempt petition was filed by the petitioner which was dismissed in pursuance of an affidavit filed by respondent No. 2 stating that a speaking order was passed in pursuance of the earlier order of this Court. Also directions were issued that the petitioner will be at liberty to challenge the order passed by the respondent. Learned counsel for the petitioner further contends that since wrong affidavit was filed before the contempt Court, the petitioner is at liberty to avail the remedy available to him in that regard.

I have considered the contention raised by learned counsel for the petitioner and perused the paper-book.

Since the order has been passed by the Director exercising the power under the provisions of the Act and wrong affidavit was filed in contempt proceedings, the remedy available with the petitioner is to approach the contempt Court where the wrong affidavit was filed, not by way of present writ petition.

Dismissed.

27.04.2016
PA

(Paramjeet Singh Dhaliwal)
Judge