

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9570 of 2015 (O&M)

Date of Decision: 16.05.2016

Jagga Singh

... Petitioner

VS.

Director Rural Development and Panchayats & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE A.B. CHAUDHARI

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. Ram Kumar Chauhan, Advocate for the petitioner

Mr. DS Sobti, Addl. AG Punjab

Mr. Vinod Kumar, Advocate for Gram Panchayat

SURYA KANT, J. (Oral)

(1) The petitioner seeks quashing of the ejectment order dated 31.10.2012 (P8) passed by DDPO-cum-Collector, Hoshiarpur, against which the appeal preferred by him has also been dismissed by the Director Rural Development Panchayats, Punjab vide order dated 28.08.2014 (P9).

(2) Counsel for the petitioner states at the bar that neither the petitioner is in possession of the land in dispute nor he ever unauthorisedly occupied the Gram Panchayat land. He further states that the land in dispute is actually in physical possession of the petitioner's brother (Devi Singh).

(3) In view of the above-stated categorical stand taken by the petitioner, we dispose of the writ petition with a direction to the Collector-cum-DDPO, Hoshiarpur to obtain a fact-finding report at the site and if it is found that the entire land in dispute is in possession of petitioner's brother (Devi Singh), appropriate proceedings which are said to have been initiated against the petitioner's brother be taken to the logical conclusion and in that

event, if the petitioner is found to be not in possession of the Gram Panchayat land, the proceedings against him be treated to have become infructuous. However, if the petitioner is found in unauthorized possession of the Gram Panchayat land, he shall abide by his statement/undertaking and the DDPO-cum-Collector is directed to remove such unauthorized possession within one month from the date of determination of actual status as directed above.

(4) Disposed of.

(Surya Kant)
Judge

16.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge