

COC P No.360 of 2012

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

**COC P No.360 of 2012
Date of Order: 18.04.2017**

Jora Singh

....Petitioner

Versus

Preet Mohinder Singh Sahota

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Munish Raj, Advocate for
Mr. Bir Devinder Singh, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner along with other residents of Village Duggan, Tehsil and District Sangrur had filed CWP No.7330 of 2008 seeking removal of encroachment from the common land in the village pond comprised in Killa No.266 (21K-12M) and restoration of the same to the Gram Panchayat, which was disposed of by this Court vide order dated 25.1.2011, in the light of another writ petition wherein necessary directions stood issued. Since the entire encroachments were not removed inspite of directions, present contempt petition was filed.

On 04.5.2015, the following order was passed by this Court:

“Counsel for the petitioner has invited the attention of the Court to Annexure R-1(Akas Sajra) and submitted that in the pond, falling in Khasra No. 266, there is encroachment shown in yellow and green colour. His case is that, the encroachment shown in green colour has been removed, but the encroachment shown in

yellow colour is still subsisting. The respondent Preet Mohinder Singh Sahota, DDPO is present in Court, who is not at present posted there but has made a statement that all encroachments have been removed. Let specific affidavit be filed by him keeping in view the Annexure R-1.

Adjourned to 12.05.2015.

Copy of this order be given to counsel for the petitioner under signatures of the Special Secretary of this Court.”

At the time of hearing, proxy counsel submits that the petitioner-Jora Singh has since died.

Learned counsel for the respondent points out that in the light of observations made in order dated 04.5.2015, as reproduced above, an additional affidavit dated 11.5.2015 was filed by Joginder Kumar, DDPO, Sangrur, para 2 of which reads as under:

“That as per these affidavits the illegal encroachment made by different persons were removed. However, on the last date of hearing i.e 4.05.2015 the counsel for the petitioner had submitted that in the pond falling in Khasra No.266 illegal encroachments shown in yellow color are still subsisting. On coming to know of this, the deponent as DDPO being the competent authority initiated the process of removing illegal encroachments. It is pertinent to mention here that the permanent structures/houses were already removed. But certain persons of the village had started using some portion of the land under the pond falling in Khasra No.266. For that purpose, they made temporary structures which have now been removed from the land shown in yellow colour as described in the site plan with the help of JCB machine and the staff of the department. The deponent is also attaching herewith the relevant

*photographs showing the exact position of the pond
in question after removal of illegal encroachments.”*

In these circumstances, learned counsel for the respondent submits that the present contempt petition has become infructuous as the entire encroachments have been removed and that no counter to the aforesaid affidavit has so far been filed.

In view of aforesaid, present petition is dismissed as having become infructuous and the rule is discharged.

April 18, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No