

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-117-2017

Date of Decision: January 11, 2017

Hukam Chand Gupta

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Sushil Bhardwaj, Advocate
for the petitioner.

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SURYA KANT, J.

The petitioner is a resident of village Ramba, Tehsil and District Karnal. He seeks a mandamus to direct respondent Nos.1 to 4 to remove the illegal and unauthorised possession of respondent No.5 from the Gram Panchayat land measuring 8 Marla.

[2] It is averred in the writ petition that respondent No.8 unauthorisedly occupied the Gram Panchayat land, fully described in para 3 of the writ petition. An eviction petition was filed under Section 7 of the Punjab Village Common Lands (Regulation) Act 1961, which was allowed on 15.01.2013. Respondent No.5 filed appeal which was also dismissed on 28.05.2013. His civil suit also failed. Thereafter he sought implementation of Resolution earlier passed by the Gram Panchayat on 24.04.2010

proposing to sell the land in dispute to him. The said proposal was also rejected by the Director Panchayat, Haryana on 16.07.2014. In this manner, the unauthorised and illegal possession of respondent No.5 over the Gram Panchayat land stands finally established. The petitioner further alleges that no action is being taken by the authorities to remove the encroachment made by respondent No.5. He has thus filed this petition.

[3] Having heard learned counsel for the petitioner and without expressing any views on merits, as we have not heard respondent No.5 at this stage, the instant writ petition is disposed of with a direction to the Deputy Commissioner, Karnal, and the District Development and Panchayat Officer, Karnal as well as Sarpanch of the Gram Panchayat to ascertain the correct facts and if the allegations made by the petitioners are found correct, take necessary action to remove the encroachment made by respondent No.5, in accordance with law. Needful shall be done as early as possible but not later than two months from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

January 11, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No