

CWP-12808-2017

Date of Decision : 01.06.2017

Sadhu Singh and others

.....Petitioners

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. J.S. Sidhu, Advocate
for the petitioners.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioners are the elected members of the Gram Panchayat Bakshiwala, Block Budhlada, District Mansa.

Through instant petition, they claim that respondents No. 8 and 9 are making attempt to forcibly encroach upon the village land measuring 48 kanals which is used by the villagers for common purposes as per the Khasra Girdawari for the years 2001 to 2014. The police authorities have been impleaded as respondents alleging that private respondents No. 8 and 9 are conniving with the said respondents and the public office and the state machinery is being abused.

After hearing learned counsel for the petitioners, it appears that there has been civil and criminal dispute between the villagers and respondents No. 8 and 9. The petitioners in the capacity as Panchayat members have approached this Court in support of the occupants of the land which appears to be Gram Panchayat land/Shamlat or common purposes land being used by the villagers. The petitioners, the members of the Gram Panchayat have got authority under law to proceed against any person making attempt to usurp the Gram Panchayat land or its

property by approaching the Collector/Commissioner under the provisions of Punjab Village Common Lands (Regulation) Act. They can also seek to restrain any unauthorized person from taking the possession of the Gram Panchayat. Not only this, the Gram Panchayat has got authority to seek eviction of any unauthorized occupant of a land which is vested in Gram Panchayat. The petitioners have got an alternative remedy to prevent any illegal action by the official respondents and the private respondents No. 8 to 9 by taking into confidence the authorities under the Gram Panchayat Act, the District Development and Panchayat Officer or the Director, Panchayats.

This petition is disposed of as not maintainable with liberty to the petitioners to avail the alternative remedy against the alleged action of respondents No. 8 and 9 in accordance with law.

Disposal of this petition will not, in any manner, hamper the rights of members of the Gram Panchayat to take any legal action against respondents No. 8 and 9, in accordance with law after passing a resolution or by approaching the District Development and Panchayat Officer or other authorities who are responsible to protect the interest of the Panchayat land.

(M.M.S. BEDI)
JUDGE

01.06.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No