

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.13138 of 2017

Date of Decision: August 08, 2017

Bikkar Singh

.....Petitioner

versus

Joint Development Commissioner (IRD), Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.B.S.Ichhewal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a resident of village Khanaura, Tehsil Nabha, District Patiala. Alleging that the private-respondents have encroached upon the *shamlat deh* which vests in Gram Panchayat, he filed eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act') which has been dismissed by the Collector as well as the Appellate Authority.

The fact of the matter is that no such eviction petition at the instance of a private-person is maintainable under the 1961 Act, as applicable to the State of Punjab. The petitioner, however, insists that the private-respondents have grabbed a huge chunk of land which is meant for 'common purposes'.

Owing to the nature of allegations made by the petitioner but keeping in view the fact that no substance has been found in such allegations by the authorities in a private petition filed by him, we deem it appropriate to dispose of this writ petition with a direction to the D.D.P.O., Patiala, to hold a fact finding enquiry and if the DDPO finds that the Gram

Panchayat is colluding with the persons who are in possession of the land, he may take appropriate action in accordance with law. However, if the DDPO is satisfied that the land in dispute belongs to the private-persons, then no such action shall be required to be taken.

Ordered accordingly.

Let the fact-finding enquiry be held within three months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

August 08, 2017
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No