

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.14937 of 2017.

Date of Decision: July 13, 2017

Smt.Savita

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Ajay Jain, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a resident of village Dawana, Tehsil and District Rewari. She has encroached upon 1 kanal land owned by the Gram Panchayat, a part of which was public passage. The site-plan (P-1) reveals that the petitioner has almost blocked the public passage with encroachment. Consequently, some residents of the village took action against the petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana. Eviction order was passed and the petitioner's appeal/revision petition etc. were dismissed. She challenged those orders before this Court in CWP No.7981 of 2012 which was dismissed on 08.10.2012 though with liberty to her to approach the Gram Panchayat for allotment of an alternative land as it was stated that the petitioner's family does not have any land to construct a residential house in the village.

In deference to the observation made by this Court, the Gram Panchayat passed a very fair resolution dated 27.04.2014 (P-4) resolving that if the petitioner gives an affidavit that she would vacate the illegal occupation of the Gram Panchayat land, then the Gram Panchayat will allot her a 100 square yard plot.

Instead of making commitment to vacate the Gram Panchayat land in lieu of a 100 square yard plot, the petitioner filed Civil Suit No.41/15 against the Gram Panchayat which was eventually dismissed on 21.02.2017. It was after dismissal of civil suit that the District Magistrate, Rewari passed an order for execution of the eviction order passed way back in the year 2009.

It appears that meanwhile the petitioner filed Contempt of Court Proceedings apparently to pressurize the Gram Panchayat to give up its claim on the Gram Panchayat land and allow her to retain the same.

In our considered view, the petitioner has failed to demonstrate her bonafides and she has not acted in a fair manner. The resolution dated 27.04.2014 passed by the Gram Panchayat is just, fair and equitable. She ought to have submitted an affidavit and secured allotment of an alternative plot.

Be that as it may, while there is no merit in this writ petition, we deem it appropriate to direct the Gram Panchayat to give one more but last opportunity to the petitioner to give an undertaking by way of an affidavit that she will vacate the unauthorized occupation of the Gram Panchayat land and on doing so, a 100 square yard plot be allotted to her within a period of one month from the date of submission of the

undertaking.

Ordered accordingly.

[SURYA KANT]
JUDGE

July 13, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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