

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

CWP No. 19038 of 2016 (O&M)

Date of decision: 16.3.2017

Shree Ram

.. Petitioner

VS

Assistant Collector 1st Grade,
Rewari-cum-District Development and
Panchayat officer, Rewari and another

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. P. R. Yadav, Advocate, for the petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. Sudhir Kumar, Advocate, for respondent no. 2.

Rajesh Bindal, J.

The petitioner has approached this Court impugning the order dated 10.5.2016 passed by the Assistant Collector 1st Grade in execution of the order passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, directing eviction of the petitioner from the portion of the land allegedly in his unauthorized occupation.

The stand of the petitioner is that he had not encroached upon any portion of land.

At the time of issuance of notice of motion on 22.9.2016, Tehsildar, Rewari, was directed to get the area demarcated.

Today, learned counsel for the State has produced in Court demarcation report, which was carried out in the presence of the petitioner as well as the Sarpanch of the village. The same is taken on record. It has been stated in the report that the demarcation was carried out with the help

of machine and it was found that the petitioner has not encroached upon any area of the panchayat land. The boundary wall of the house of the petitioner has been constructed on the land bearing khasra no. 149/min, which is owned by the petitioner.

Keeping in view the aforesaid demarcation report, in our opinion, the order dated 10.5.2016 deserves to be set aside, as on the spot the petitioner was not found to be in actual physical possession of any area of the panchayat land, which is not owned by him.

Ordered accordingly.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

16.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No