

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22768 of 2016 (O&M)

Date of Decision: 25.09.2017

Gram Panchayat Village Heddon Bet

... Petitioner

VS.

DC-cum-Collector, SBS Nagar & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. KS Dadwal, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

SURYA KANT, J. (Oral)

(1) The petitioner – Gram Panchayat of village Heddon Bet, Tehsil Balachaur, District SBS Nagar has filed the instant writ petition seeking a direction to the official respondents to provide assistance and take remedial action for restoration of its possession over the land measuring 3 kanal 7 marla which was earlier under the unauthorized possession of respondent No.7 & 8. It is averred that the eviction order under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 was passed against respondents No.7 & 8 on 13.10.2014. The appeal etc. was also dismissed and the eviction order has attained finality. Thereafter the Gram Panchayat filed execution petition and pursuant to the warrant of possession coupled with the intervention of this Court, physical possession of the land was taken by Gram Panchayat on 05.04.2017. It is further averred that the Gram Panchayat thereafter decided to construct a wall to prevent encroachment over the subject-land but when it started raising construction, the family members of respondents No.7&8 intervened and did not allow the Gram Panchayat to do so. Hence this writ petition.

(2) As per the office report, respondents No.7&8 have been duly served. No one appears on their behalf.

(3) Having heard learned counsel for the petitioner-Gram Panchayat and learned State counsel, it appears to us that if the above-mentioned facts are correct as per record, the Gram Panchayat is entitled to retain the physical possession of the land in question and utilize the same for common purposes of the village including for the school. It is equally imperative upon the official respondents including the local Police to provide adequate assistance to the Gram Panchayat to retain possession of the land in question.

(4) Consequently, this writ petition is disposed of with a direction to the Deputy Commissioner, SBS Nagar and Senior Superintendent of Police, SBS Nagar to provide full assistance to the Gram Panchayat to take/retain physical possession of the subject land and raise construction thereupon.

(5) Let the needful be done within two weeks from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

25.09.2017
vishal shonkar

(Sudhir Mittal)
Judge

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

Yes
No