

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.21186 of 2017
Date of Decision: September 18, 2017

Narender Kumar Sharma and othersPetitioners
versus
State of Haryana and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDHIR MITTAL.**

Present: Mr.Vikram Singh, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are residents of villages Haripur and Bhakhra, P.O. Golagarh, District Bhiwani. It appears that earlier there was only one Gram Panchayat of village Bhakhra which has now been bifurcated into two separate Gram Panchayats of villages Bhakhra and Haripur. The grievance of the petitioners is that about 80 acres land owned by the Gram Panchayat has been illegally encroached upon and is in unauthorized occupation of some residents of both the villages. The petitioners further allege that the Gram Panchayats filed successive eviction petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana but most of such eviction petitions have been withdrawn apparently under the pressure of the unauthorized occupants. The petitioners thus seek a direction to the official respondents to take action against the encroachers and get the Gram Panchayat land vacated from them.

It is not disputed during the course of hearing that former Sarpanch of the Gram Panchayat of village Bhakhra has filed an eviction petition under the 1961 Act which is still pending before the Deputy Commissioner-cum-Collector, Bhiwani. It is stated that the said petition is

now fixed for evidence. The petitioners, however, apprehend that possibility of withdrawal of that petition too cannot be ruled out.

Having heard learned counsel for the petitioners and considering the nature and gravity of allegations made by them, we deem it appropriate to dispose of this writ petition with a direction to the Deputy Commissioner-cum-Collector, Bhiwani or any other Collector before whom the eviction petitions under Section 7 of the 1961 Act filed by the Ex-Sarpanch of Gram Panchayat of village Bhakhra or Haripur are pending, not to allow the withdrawal of such petitions and decide the same on merits as early as possible but not later than six months from the date of receiving a certified copy of this order. Still further, under the 1961 Act, as applicable to the State of Haryana, every resident of the village can file eviction petition against the encroachers of Gram Panchayat land. In case earlier eviction petitions are not instituted against all the encroachers, the petitioners shall be at liberty to file such eviction petition against the left out unauthorized occupants and their petition is also ordered to be decided in accordance with law at the earliest.

[SURYA KANT]
JUDGE

September 18, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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