

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22223-2017

Date of Decision: December 11, 2017

Swaran Singh

.....Petitioner

Versus

The Gram Panchayat Dhaliwal and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.TPS Tung, Advocate for the petitioner.

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SURYA KANT, J.

The instant writ petition is directed against the orders dated 26.12.2014 and 21.07.2017 passed by the DDPO-cum-Collector as well as the Appellate Authority under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for brevity,'the 1961 Act'). Vide these orders, the authorities have held that the petitioner has encroached upon a public street shown as 'ABCD' in the site plan and has included the said street in his plot. Consequently, the Collector has passed the eviction order which has been upheld by the Appellate Authority.

[2] After arguing for sometime, learned counsel for the petitioner submits that the instant writ petition may be disposed of leaving it open for the petitioner to establish his title qua the property in dispute by way of a

petition under Section 11 of the 1961 Act.

[3] Without expressing any views on the merits of the case, the writ petition is accordingly disposed of with liberty to the petitioner to file a petition under Section 11 of the 1961 Act.

**(SURYA KANT)
JUDGE**

December 11, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |