

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22580 of 2017.

Date of Decision: October 04, 2017

Om Parkash

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Anoop Kumar Yadav, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a resident of Village Khodma, Tehsil Narnaul, District Mohindergarh. He filed an eviction petition against some of the private-respondents under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, 'the 1961 Act'), as applicable to the State of Haryana, alleging that they were in unauthorized and illegal possession of the Gram Panchayat land. His eviction petition was allowed vide order dated 27.07.2004 and the private-respondents were ordered to be evicted from the subject land alongwith a penalty of Rs.10,000/- per Hectare per annum. The eviction order is said to have attained finality as it was not challenged. The private-respondents thereafter filed a petition under Section 13-A of the 1961 Act claiming their ownership qua the suit land. The said petition was dismissed by the Collector and the respondents' appeal also stood dismissed on 15.05.2015. It thus stands settled that the land in dispute vests in Gram Panchayat and private-respondents have unauthorizedly occupied the same.

The grievance of the petitioner is that regardless of the above-stated settled issue, the Gram Panchayat in collusion and connivance with the encroachers is taking no action for execution of the eviction order to

regain possession of the subject land. The petitioner has made specific allegation against former Sarpanch and respondent Nos.6 and 7 who are Members of Panchayat Samiti and Panch of the Gram Panchayat, respectively and are statedly amongst the encroachers of Gram Panchayat land. It is for this reason, it is alleged that no action to evict them from the Gram Panchayat land is being taken. The petitioner is running from pillar to post; made complaints but finding no response, has filed the instant writ petition.

As the facts would speak for themselves, this is a case where immediate intervention and attention of the Deputy Commissioner, Mohindergarh at Narnaul as well as District Development and Panchayat Officer, Mohindergarh at Narnaul is called for. We direct both these Officers to verify the facts and if it is true that eviction order has attained finality, then there is no rhyme and reason for not giving effect to the same merely because some of the encroachers are now in the helm of affairs of the Gram Panchayat and Panchayat Samiti. The writ petition is thus disposed of with a direction to the Deputy Commissioner and District Development and Panchayat Officer, Mohindergarh at Narnaul to hold a fact-finding enquiry within one month from the date of receiving a certified copy of this order and take necessary remedial action within two months thereafter.

Dasti.

[SURYA KANT]
JUDGE

October 04, 2017

mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No