

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.23977 of 2017.

Date of Decision: November 24, 2017

Ashwani Kumar

.....Petitioner

versus

The District Magistrate, Ambala and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE AVNEESH JHINGAN.**

Present: Mr.Amit Sheoran, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner's grievance in the instant writ petition is against an order passed by the District Magistrate, Ambala whereby a Duty Magistrate has been appointed in purported exercise of powers conferred in the Code of Criminal Procedure so as to enable the Gram Panchayat of village Sohana to take possession of its land. The Gram Panchayat has taken-over possession of the land pursuant to the above-stated order for construction of a Chopal. The grievance of the petitioner is that the subject land does not vest in the Gram Panchayat as it falls in *abadi deh*.

Such a question, in our considered view, can be decided in a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana, for which liberty is granted to the petitioner to approach the appropriate forum. Alternatively, the petitioner may challenge the order of appointing Duty Magistrate before the higher authorities, namely, the Commissioner, Ambala Division, Ambala, who shall consider and decide his appeal in accordance with law.

With liberty aforementioned, the writ petition stands disposed
of.

[SURYA KANT]
JUDGE

November 24, 2017
mohinder

[AVNEESH JHINGAN]
JUDGE

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