

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CWP 2506 of 2017

Date of Decision: March 10, 2017

Joginder Singh

.....Petitioner

Vs.

Deputy Commissioner, Patiala

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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**Present:- Mr.G.S. Salana, Advocate
for the petitioner.**

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M.M.S. BEDI, J. (ORAL)

Through present writ petition under Articles 226/ 227 of the Constitution of India, the petitioner seeks a writ in the nature of mandamus directing the respondent to take appropriate action against Baldev Singh, Harmeet Kaur, Bhim Singh and Jarnail Singh on the basis of the demarcation report dated July 5, 2016 indicating that the land in Khasra No. 476 (0-14) vests in Gram Panchayat and is being used in an unauthorized manner.

Counsel for the petitioner has submitted that he had submitted an application for demarcation of Khasra No.476. As per the report

annexure P-4, on demarcation it was found that Baldev Singh, Harmeet Kaur, Bhim Singh and Jarnail Singh have illegally encroached upon Khasra No.476, gair mumkin passage.

Counsel for the petitioner was confronted with the provisions of Sections 7 and 13 of the Punjab Village Common Lands (Regulation) Act, for short 'the Act', requiring him to explain as to why the petitioner cannot take steps to get the land declared as village common land and as to why the Panchayat cannot seek the possession under Section 7 of the above said Act.

Counsel for the petitioner has brought to the notice of the Court an order passed by a Coordinate Bench of this Court in contempt petition filed by the petitioner against the Deputy Commissioner, Patiala.

A perusal of the order dated September 21, 2016 passed in the contempt petition indicates that the Deputy Commissioner had informed the Court after getting instructions from Sukhwinder Singh Tiwana, Block Development and Panchayat Officer, Patiala, that the proceedings under Section 7 of the Act stands already initiated by the Gram Panchayat, Daun Kalan and the same is pending adjudication before the District Development and Panchayat Officer, Patiala. The Contempt Bench had also issued direction for expeditious disposal of the proceeding under Section 7 of the Act.

In view of the action having already been initiated as per the provisions of law against the above said persons, issuance of writ on the basis of demarcation report will be a surplusage. In view of above said

circumstances, I do not find any ground to exercise the writ jurisdiction for issuing any direction. The petition is absolutely not maintainable and is a glaring example of frivolous litigation.

Dismissed.

March 10, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.