

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25415-2017

Date of Decision: November 08, 2017

Mohinder Singh

.....Petitioner

Versus

Director, Rural Development and Panchayat, Punjab 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.Sandeep Arora, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner was ordered to be evicted from the Gram Panchayat land under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 vide order dated 21.10.2008. There was a categorical finding that the petitioner alongwith others have encroached upon 5 kanal land of *shamlat deh*. The petitioner's appeal was also dismissed on 25.02.2011. He did not challenge that order within a reasonable period, though eventually approached this Court by way of CWP No.435 of 2016. This Court vide order dated 12.01.2016 found no ground to interfere with the impugned eviction order as the land was admittedly reserved for '*Garha Khad*' and being *shamlat deh* it vests in Gram Panchayat. The petitioner, however, was permitted to approach the Gram Panchayat and persuade it to pass a resolution to sell the land to him at

market price in terms of the provisions contained in the Punjab Village

Common Lands (Regulation) Rules, 1964.

[2] Though the petitioner represented the authorities as well as Gram Panchayat, but it is the conceded position that no such resolution has been passed by the Gram Panchayat in his favour. Meanwhile, the DDPO has asked the petitioner and other encroachers to vacate the land, thus, prompting the petitioner to file this petition.

[3] We are afraid this Court cannot direct the Gram Panchayat to pass a resolution in favour of the petitioner for selling its land. Such a decision has to be taken by the Gram Panchayat keeping in view the interest of the inhabitants of the village. No case to interfere with the impugned order is made out.

[4] Dismissed.

(SURYA KANT)
JUDGE

November 08, 2017
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(SUDHIR MITTAL)
JUDGE

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