

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.26312 of 2017.

Date of Decision: November 17, 2017

Umed Singh and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Sunny Bhardwaj, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The grievance of the petitioners who are residents of village Gujrani, District Bhiwani, appears to be against the move initiated by private-respondents to construct a temple on the land statedly owned by the Gram Panchayat of their village. The petitioners thus seek a direction to the official respondents to prevent the encroachment on public property.

In our considered view, the petitioners have got efficacious alternative remedies. Firstly, in the event of illegal encroachment on the Gram Panchayat land, any resident of the village can file eviction proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, as applicable to the State of Haryana. Secondly, though the jurisdiction of Civil Court is expressly barred for deciding the title dispute etc., nevertheless a simpliciter suit for injunction can also be filed before the Civil Court seeking restraint order against misuse of panchayat land provided that a case to this effect is made out on merits.

In the light of the above-stated alternative remedy available with the petitioner, we dispose of this writ petition with liberty to them to avail any such remedy.

Ordered accordingly.

[SURYA KANT]
JUDGE

November 17, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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