

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-28018-2017

Date of Decision: December 11, 2017

Partap Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDHIR MITTAL

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 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.Vikram Singh, Advocate for the petitioner.

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**SURYA KANT, J.**

The petitioner has encroached upon a piece of Gram Panchayat land where a residential house is stated to have been constructed for the last 40 to 50 years. The Gram Panchayat initiated eviction proceedings which culminated into an ejectment order against the petitioner. The said order has attained finality. The petitioner alternatively submitted before this Court that he was willing to pay market price of the land in terms of Rule 12(4) of the Punjab village Common Lands (Regulation) Rules, 1964, as applicable to State of Haryana. His request was not acceded to by the Gram Panchayat and other authorities. The petitioner, thus, again approached this Court by way of CWP No.16583 of 2015 which was disposed of on August 12, 2015 with a direction to the Principal Secretary, Department of Development and Panchayat, Haryana, to consider petitioner's claim in the light of the fact

that he belongs to 'Backward Community' and there was no positive finding

against him that he owns a residential house in the village.

[2] The Additional Chief Secretary to Government, Haryana Development & Panchayats Department, vide order dated 23/27.06.2016 again turned down the case of the petitioner observing that he does not belong to economically weaker section/below poverty line, hence his unauthorised possession cannot be regularised. The petitioner again approached this Court but withdrew the writ petition on February 14, 2017 when he found that this Court was not agreeing with his submissions. He filed a review petition before the State Government which has also been turned down vide the impugned order dated 25.10.2017/06.11.2017.

[3] We have heard learned counsel for the petitioner. Since the State Government is not inclined to accept petitioner's request regarding sale of Gram Panchayat land where he has constructed the house and no positive direction can be issued to compel the Gram Panchayat to sell its land to the petitioner, we are of the considered view that no interference in the impugned order is called for.

[4] Dismissed.

**( SURYA KANT )**  
**JUDGE**

**December 11, 2017**  
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**( SUDHIR MITTAL )**  
**JUDGE**

|                                       |               |
|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |