

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

CWP No. 9102 of 2015 (O&M)

Date of decision: 27.3.2017

Chander Pal and another

.. Petitioners

vs

State of Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Sandeep Kumar Yadav, Advocate, for the petitioners.

 Mr. Ankur Mittal, Additional Advocate General, Haryana.

 Mr. Sudhir Kumar, Advocate, for respondent No.5.

Rajesh Bindal, J.

In the case in hand, the petitioners have challenged the orders passed by the authorities below in proceedings initiated by Gram Panchayat by filing application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. The petitioners were allegedly in unauthorised possession of portion of land of Rasta. Demarcation was carried out by appointing Local Commissioner by this Court. Report has been submitted. It has been mentioned therein that the petitioners were found to be in unauthorised possession of 5 square yards of land, where they had constructed a ramp. In two portions of 12 square yards of land each, the Gram Panchayat had constructed a water tank, whereas 34 square yards of land is in unauthorised possession of Bishamber son of Matadin.

Learned counsel for the petitioners submitted that they have already demolished the unauthorised construction raised by them in the Rasta.

This fact is not disputed by the counsel appearing for the Gram Panchayat.

Considering the aforesaid development, in our opinion, the present petition can be disposed of while setting aside the impugned orders passed by the authorities below, as admittedly, the unauthorised construction has already been demolished by the petitioners. As the Local Commissioner has found that Bishamber son of Matadin is in unauthorised possession of 34 square yard of land in the Rasta, the Gram Panchayat shall initiate proceedings against him.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

27.3.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No