

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

LPA No.381 of 2017 (O&M)

Date of Decision : 14.03.2017

Devinder Kumar Sarpach

.....Appellant

Versus

State of Punjab and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN**

Present: Mr. Raj Kumar Garg, Advocate
for the appellant.

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MAHESH GROVER, J. (Oral)

CM No.788-LPA of 2017

Marginal delay of 13 days in filing the appeal is
condoned.

C.M.stands allowed.

LPA No.381 of 2017 (O&M)

This appeal is against the judgment of the learned
Single Judge dated 21.12.2016.

The appellant contested the election of Sarpanch in the
year 2013 successfully. A complaint was initiated against him of
his being in unauthorised occupation of Gram Panchayat land
which was disputed by him but the authorities concluded
otherwise primarily on the strength of earlier litigation at the

behest of some residents of village alleging unauthorised occupation of Gram Panchayat land by the appellant as also his wife and one Joginder Kumar. The Collector, Gurdaspur, who went into this complaint, opined way back on 10.12.2008 that the appellant was in unauthorised occupation of Gram Panchayat land warranting his eviction and this finding was upheld right upto the Hon'ble Supreme Court. The learned Single Judge noticed this fact and concluded that the appellant suffered a disqualification on account of his being in unauthorised occupation of Gram Panchayat land which the appellant strenuously disputes even though not denying the misconduct established in earlier proceedings and affirmed upto the Hon'ble Supreme Court and contends that fresh demarcation does not indicate any unauthorised occupation by him.

We have during the course of hearing repeatedly put to the learned counsel for the appellant to show us any material or even make a categorical statement that the orders of the revenue authorities as affirmed right upto the Hon'ble Supreme Court were executed to restore the possession to the Gram Panchayat. The learned counsel for the appellant could neither show us any material nor was he inclined to make a statement in this regard but asserted that fresh demarcation report would establish to the contrary.

After hearing the learned counsel for the appellant, we are of the opinion that the finding of fact of the appellant being in unauthorised occupation of Gram Panchayat land has found approval right upto the Hon'ble Supreme Court and unless the appellant shows that these orders were executed and the Gram Panchayat land restored to it, we would not encourage the appellant by accepting his plea of fresh demarcation implying de novo proceedings in this regard. We are thus of the opinion that the appellant has failed to show that in the year 2013 when he contested the election he had restored the possession of the land to the Gram Panchayat to liberate himself from the allegation made in the complaint against him. We would decline interference in the impugned judgment for this very reason.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

14.03.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No