

**CWP no. 3778 of 2011 (O&M)
and connected cases**

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

1.CWP no. 3778 of 2011 (O&M)

Kartara Ram alias Kartar Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

2.CWP no. 4634 of 2011 (O&M)

Prakash Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

3.COCP no. 2121 of 2014 (O&M)

Parkash Singh

....Petitioner(s)

Versus

Ram Pal and another

...Respondent(s)

Date of Decision : 03.05.2018

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr. K.S.Boparai, Advocate for the petitioner(s)

Mr. Sandeep Vermani, Addl. AG, Punjab

Mr. R.S.Athwal, Advocate for the respondent

MAHESH GROVER, J.(ORAL)

By this order we will dispose of three cases bearing CWP nos.

3778 and 4634 of 2011 and COCP no. 2121 of 2014.

The facts are taken from CWP no. 3778 of 2011.

The Gram Panchayat filed proceedings against the petitioner under the Punjab Village Common Lands (Regulation) Act seeking his eviction from the area in his possession which it claimed to be a part of the Pond.

The petitioner in turn took up a plea of a valid purchase from the Government. After the authorities determined this issue, the matter reached this Court where in writ proceedings an interim order was passed restraining the Gram Panchayat from dispossessing the petitioner.

According to the petitioner, the Gram Panchayat did not respect the order and interfered with his possession which led to the filing of the contempt petition where with the intervention of this Court the Tehsildar was appointed to demarcate the disputed area.

The demarcation carried out by the Tehsildar effectively delineates the property of the petitioner which was to his satisfaction as also the Gram Panchayat.

Both the parties have a convergence of opinion in so far as the demarcation report is concerned.

This would mean that the petitioner is in a valid possession of the area that he had purchased by virtue of sale document (Annexure P-4).

In this view of the situation, there is hardly anything left to be determined in these proceedings and therefore, we dispose of the above matters by directing that the parties would respect the demarcation report and the possession indicated therein.

Learned counsel for the Gram Panchayat apprehends that the petitioner may still encroach upon the pond area. We however, do not find any such substance that would persuade us to pass any restraint orders on such an apprehension without any foundation. It is made clear that the petitioner obviously would not exceed the area under any circumstance that has been determined by the demarcation report which as noticed above has been accepted by both the sides. Any such deviation would be viewed by this Court to be an obstruction in the course of justice and dealt with appropriately.

In view of above, both writ petitions bearing CWP nos. 3778 and 4634 of 2011 stand disposed of.

Since the main writ petition has been disposed of in above terms, it will render contempt petition bearing COCP no. 2121 of 2014 infructuous and the same is also disposed of as such.

**(Mahesh Grover)
Judge**

03.05.2018

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

**(Rajbir Sehrawat)
Judge**