

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

CWP No.15322 of 2017

Date of Decision: 11.05.2018

Vedpal and another Petitioners

Vs.

**Commissioner Hissar Division,
Hissar**

.....Respondent

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

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG,
Haryana.

Mr. Sandeep Lather, Advocate for
respondent No.5.

MAHESH GROVER, J.(Oral)

This petition is directed against order dated 15.07.2015 passed by Commissioner, Hissar Division, Hissar, order dated 25.04.2012 passed by Collector, Jind and order dated 29.03.2010 passed by Assistant Collector Ist Grade-cum-District Revenue Officer, Jind being illegal and without jurisdiction.

Neither respondent No.4 - Gram Panchayat, Village Akalgarh, Tehsil Julana, District Jind has not appeared despite service and numerous opportunities nor any reply has been filed on its behalf.

Proceedings under Section 7 of Village Common Land Act (for short, 'the Act') were initiated as the petitioners had encroached upon a public street comprising Gali Khasra No.246. Initially, the Assistant

Collector Ist Grade passed an ex parte order but in appeal, the petitioners were heard whereafter on the consent of both the parties, the demarcation was carried out twice which did not establish the claim of the private respondents who had initiated proceedings under Section 7 of the Act. Rather, the Commissioner also notices this fact but perversely goes on to hold that the petitioner was in unauthorised occupation of the street. For the purposes of reference, the relevant portion of the order of the Commissioner is quoted “Even if the two demarcations do not specifically mention the name of revisionists, yet he cannot justify unauthorized possession on the public street having khasra No.246.”

According to us, this finding is unsustainable considering that there was no material with the Commissioner to record so.

Consequently, we accept this petition and set aside the impugned order, and uphold the order of the Assistant Collector based on two demarcation reports.

(MAHESH GROVER)
JUDGE

May 11, 2018
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No