

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

CWP-19965-2016

DATE OF DECISION:19.12.2018

AJAIB SINGH

...Petitioner

Vs.

STATE OF PUNJAB & ORS

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Amit Shukla, Advocate
for the petitioner.

Mr. H. S. Sitta, Assistant AG, Punjab.

Mr. H. K. Brinda, Advocate
for respondent No.4.

MAHESH GROVER, J. (Oral)

Learned counsel for the petitioner contends that the petitioner was in possession of land of Gram Panchayat of village which was declared Bechirag. He was merely using some land for his own sustenance. The Gram Panchayat initiated proceedings under Section 7 and he immediately handed over the possession of the land to the Gram Panchayat willingly. The BDPO has imposed the fine of more than Rs.2 lacs for the use and occupation of the land. It has not been shown whether this land could have been used beneficially for the Gram Panchayat and earned some revenue. It has also been stated before us that the petitioner is of an

advanced age being more than 80 years with no one to take care of him.

Be that as it may, we notice that since the petitioner had voluntarily handed over the possession to the Gram Panchayat and there is no material to suggest that the land could have been or was intended to be meant for the beneficial use of the Panchayat and also noticing that the petitioner is advanced in years, we would lean in equity towards the petitioner and set aside the impugned order imposing a fine for the use and occupation of the land. We may state that this order be not treated as a precedent. It is only in the peculiar circumstances of the present case particularly noticing the advanced age of the petitioner that the present order has been passed and the village was Bechirag.

Disposed of.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

19.12.2018
rimpal