

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

CWP No.20983 of 2016
Date of decision: 17.05.2018

Harbhajan Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

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

Present: Mr. S.S.Swaich, Advocate
for the petitioner.

Ms. Anu Pal, AAG, Punjab.

Mr. Joginder Sharma, Advocate
for respondent No.4.

Mahesh Grover, J.(Oral)

This petition has been filed under Article 226/227 of the Constitution of India for issuance of direction for quashing the impugned orders dated 08.08.2016 (Annexure P-4) and 05.06.2015 (Annexure P-3).

Proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred as 'the Act') were initiated alleging the petitioner to be in unauthorised occupation of the gram panchayat land, which is strenuously denied by the petitioner, to contend that he had constructed a house in the abadi area and the panchayat has no concern with the same. Both the authorities below came to the conclusion that the petitioner had failed to establish his ownership and concluded against him to order his eviction.

Aggrieved against the same, the petitioner is before us and

contends that the area is in the abadi whereupon he has constructed a house since long. He fairly conceded that behind the boundary wall of his house, some area, which belongs to the gram panchayat and has an old well in existence. The site plan has been placed on record which more or less conforms to the one produced by the gram panchayat before the authorities below in proceedings under Section 7 of the Act.

If that be so, then it is evident therefrom that the house of the petitioner, which is in the abadi area, is distinct from the area of the gram panchayat. The petitioner has also placed photographs on record, which clearly shows that the house of the petitioner is old construction and behind it is an open area where of course some freshly laid bricks are evidenced as also some farm equipment. This itself does not reflect the illegal occupation of the petitioner. We also find that the authorities have miserably failed to notice the fact that the house of the petitioner is in abadi area.

Consequently, noticing these fact, which have been totally ignored by the authorities below, we quash the impugned orders and allow the writ petition.

(MAHESH GROVER)
JUDGE

17.05.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No