

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

CWP No.17399 of 2018

Date of Decision : 18.07.2018

Surjan Singh

....Petitioner

Versus

Commissioner, Gurugram Division and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Gupta, Advocate
for the petitioner.

MAHESH GROVER, J. (Oral)

The petitioner has been ordered to be evicted in proceedings under Section 7 of the Punjab Village Common Land (Regulation) Act, 1961. During arguments it was virtually conceded by the petitioner that he is in unauthorised occupation of the land but he falls back on Rule 12(4) of the Punjab Village Common Land (Regulations) Rules, 1964 to contend that he is willing to pay the market value of the land under his occupation and directions be issued to the competent authority to decide this issue.

After hearing the learned counsel for the petitioner, we are of the opinion that recourse to Rule 12(4) is within the domain of the official respondents and this Court once having acknowledged his unauthorised possession as conceded before us, it cannot nudge the State to regularise it by accepting the market value. It is entirely upto the Gram Panchayat and State to take a decision in this regard to do as desired by the petitioner after following the process of law. For the

present we notice the petitioner in unauthorised occupation of the panchayat land and direct that the possession be retrieved expeditiously, even if the authorities have to take recourse to police help in the event of resistance.

Petition dismissed.

(MAHESH GROVER)
JUDGE

18.07.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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