

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

CWP No.18853 of 2018

Date of Decision : 01.08.2018

Surja and others

....Petitioners

Versus

The State of Haryana and others

....Respondents

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

Present: Mr.Balraj Gujjar, Advocate
for the petitioners.

....

MAHESH GROVER, J. (Oral)

The petitioners impugn the orders Annexures P/1, P/5 and P/7.

They have been found in unauthorised possession of panchayat land and eviction has been ordered. The petitioners claim that there was a resolution passed by the erstwhile Panchayat permitting them to raise construction on the land. Likewise, they plead that present Panchayat has also passed another resolution permitting sale of this land in their favour on which they have constructed their houses. Learned counsel for the petitioners contends that an application in this regard has also been made invoking Rule 12 (4) of the Punjab Village Common Lands Act.

After hearing the learned counsel for the petitioners, we are of the opinion that decision to effect sale of the land under Rule 12(4) of the Punjab Village Common Lands Act is in the discretion of the competent authority which may look into the facts in totality and

take a decision in this regard. Therefore, we would not issue a mandate in this regard noticing that the petitioners are unauthorised occupants without any legitimate claim. It is entirely upto the Gram Panchayat and the competent authority to consider the plea of the petitioners. We would, therefore, while declining the prayer made in the petition leave them to their remedies in law and pursue the matter with the respondents.

Petition dismissed.

(MAHESH GROVER)
JUDGE

01.08.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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