

Sr. No.214

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

**CWP No. 25838 OF 2015(O&M)
Date of decision: 20.02.2018**

Manohar Lal and another

.....Petitioners

versus

Director, Rural Development and Panchayat, Punjab and others

.....Respondents

**Coram: Hon'ble Mr. Justice Mahesh Grover
Hon'ble Mr. Justice Rajbir Sehrawat**

**Present: Mr. Raj Kumar Garg, Advocate
for the petitioners.**

Mr. Sandeep Vermani, Addl.AG, Punjab.

Mr. Vivek Chauhan, Advocate
for respondent No. 3.

Mr. G.S.Simble, Advocate for
Mr. Dheeraj Mahajan, Advocate
for respondents No. 4 and 5.

Mahesh Grover, J.(Oral)

The petitioners had impugned orders dated 22.04.2013 (Annexure P-4) and 17.04.2015(Annexure P-8) passed under Section 7 of the Punjab Village Common Lands(Regulations) Act, 1961.

The assertion of the Gram Panchayat of the petitioners being in possession of khasra No. 92 which was gair mumkin rasta was found to be correct by the Revenue Authorities thereby ordering his eviction.

Before us learned counsel for the petitioners contended that the findings are absolutely erroneous and during the course of proceedings we had appointed Local Commissioner and also sought a report from the Tehsildar and BDPO, Pathankot who have submitted their findings. We had also directed that the process of demarcation be videographed. A perusal of

the reports carried out in accordance with our directions established that khasra No. 92 is indeed a gair mumkin rasta but the petitioners house does not fall in it. If that be so no objections are being filed to the report. We would therefore, unhesitatingly accept the report and in view thereof, hold that the impugned orders are contrary to the facts and deserve to be set aside.

Ordered accordingly.

Civil Writ Petition is allowed.

[MAHESH GROVER]
JUDGE

20th February, 2018
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*