

CM-17572-CWP-2017 in/and
CWP-26511-2015 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-17572-CWP-2017 in/and
CWP-26511-2015 (O&M)
Date of Decision: February 09, 2018

Court on its own motion

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Ajay Jain, Advocate-*Amicus Curiae*.

Mr.Ankur Mittal, Addl.AG,Haryana with
Mr.Manoj Dhankhar, AAG, Haryana
for the respondents.

Mr.Amardeep Shoran, Advocate for respondent No.4.
Mr.D.S.Randhawa, Advocate for the applicant.

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SURYA KANT, J.

CM-17572-CWP-2017

As regard to the *inter se* dispute between the Gram Panchayat and State Government regarding title of the land, it is directed that the Gram Panchayat shall get it resolved before the appropriate Forum, may be under the provisions of Punjab Village Common Lands (Regulation) Act, 1961 as applicable to Haryana.

CM stands disposed of.

CWP-26511-2015

In these writ proceedings initiated *suo moto* in public interest alleging massive encroachment over the land of Irrigation and Water Resources Department, Haryana and raising of unauthorised constructions, the respondents were directed to file status report. One of such latest status report dated 09/13.11.2017 has been filed by the Executive Engineer, Water Services Division No.1, Rewari, para Nos.8 to 10 whereof read as under:-

“8. That Deputy Commissioner, Rewari appointed Naib Tehsildar Dahina as Duty Magistrate and with the help of Police force, the illegal encroachment upon the land was got vacated on dated 03.11.2017.

9.That following institutions are still operating on the land:

Sr.No.	Name of Deptt./Institution	Land in possession
1.	Police Station	1797 Sq.Yard
2.	Govt.Primary School	2565 Sq.Yard
3.	Power House (HVPN)	385 Sq.Yard
4.	Gurgaon Gramin Bank	279 Sq.Yard
5.	Radha Krishan Mandir	19 S.Yard

10. That except the building/structures of above 5 institutions, encroachment of 13 shops and 16 dwelling houses have been got vacated after demolishing the same.”

[2] Regardless of the above-stated stand taken by the authorities, learned *Amicus Curiae* points out that after demolition of the shops, the encroachers have now installed temporary tents/structures and have again encroached upon the site.

[3] Having heard ld. *Amicus Curiae* and the State counsel, it appears that removal of encroachment is an ongoing process and the

authorities cannot be heard to say that their duty is over after demolition of

one set of unauthorised constructions. The object of the directions issued by this Court was to ensure no encroachments and obstructions on the public road. If any temporary structure has been raised by the miscreants/encroachers, it is the duty of the District Administration to take action against them in accordance with law and ensure that public property is not allowed to be misused by anyone. These proceedings are accordingly disposed of with a direction to the Deputy Commissioner, Rewari, Superintendent of Police, Rewari, Deputy Superintendent of Police of the area, the concerned Station House Officer, Sub Divisional Officer (Civil) Rewari, and Tehsildar of the area to ensure that no one is allowed to encroach upon any part of the public property and a constant monitoring is done. We make it clear that if it is reported to this Court again that encroachments have been made, there shall be exemplary costs personally recoverable from the Officers/authorities and no leniency shall be shown in this regard.

**(SURYA KANT)
JUDGE**

February 09, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |