

CWP no. 29136 of 2017 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 29136 of 2017 (O&M)

Date of Decision : 06.03.2018

Jasmer Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present : Mr.Jagdish Manchanda, Advocate for the petitioner(s)

Ms. Kirti Singh, DAG, Haryana

Mr. J.P.Dhull, Advocate for respondent

MAHESH GROVER, J.(ORAL)

CM no.516 CWP of 2018 for preponement is allowed and the main case is preponed from 30.4.2018 to today and is taken on Board.

The petitioner has approached this Court praying for issuance of a writ in the nature of Certiorari to quash the order dated 5.9.2017 and 9.5.2017. In proceedings initiated by the Gram Panchayat under Section 7 of the Punjab Village Common Land Act, the Assistant Collector held the petitioner to be in illegal possession on the basis of the latest demarcation report dated 24.10.2016 and ordered his dispossession. In appeal, the findings were affirmed.

Before us the only contention that persuaded us to issue notice to the respondents was the offer of the petitioner to give more land to the Gram Panchayat in lieu of the area in his occupation.

The Gram Panchayat after having entered appearance before us has refused to accept the offer and has stated that the area in possession of the petitioner is vital to the construction of a phirni qua which substantial work has already been carried out and only this small portion remains where only bricks have to be laid now.

On due consideration of the matter, we are of the opinion that in the absence of any illegality committed by the revenue authorities there would be no occasion for us to interfere. The petitioner's argument that he is willing to give more land in lieu of the one in his possession cannot be forced into acceptance by the respondents through a judicial order. We therefore decline interference.

Hence, instant petition is hereby dismissed.

Since main case itself has been decided, all pending applications also stand disposed of.

(Mahesh Grover)
Judge

06.03.2018

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(Rajbir Sehrawat)
Judge