

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

CWP No.3838 of 2017

Date of decision : 12.03.2018

Parmal Singh

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Gagneshwar Walia, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

The grievance of the petitioner in the present petition is that respondents/revenue authorities have failed to provide information sought under the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act').

Petitioner filed an application under the RTI Act to provide information regarding encroachment in the village and also as to what action has been taken to remove the same. When no information was supplied, the petitioner filed the appeal. Thereafter, second appeal was also filed before the State Information Commission, Haryana. The respondent-authorities were directed to provide detailed information and also to conduct demarcation vide order dated 11.12.2014. Again directions were issued on 16.12.2015 by the State Information Commission, Haryana for giving

information regarding demarcation of the encroachment and action taken thereupon.

Learned counsel for the petitioner submits that in spite of passing orders on various occasions, still Deputy Commissioner, Kaithal did not supply the information. Not only the representations were made but reminders were also sent but still information has not been supplied.

On the basis of reply filed on behalf of respondents No.2 to 4, learned counsel for respondents-State submits that unauthorized encroachments from the land in dispute has been removed and thereafter, list of unauthorized occupants was provided to the petitioner. Petitioner was not satisfied with the information and first appeal was filed which was dismissed. Thereafter, the second appeal was filed before the State Information Commission, which was also disposed of vide order dated 11.12.2014, a perusal of which shows that the petitioner was not willing to obtain information but he was willing to get demarcation of the village common land conducted, which was occupied unauthorizedly by the residents of the village. At the end, learned counsel submits that the demarcation of land under unauthorized occupation has been conducted and proceedings against unauthorized occupants of the village common land under Section 7(2) of the Punjab Village Common Land Act, as applicable in the State of Haryana, have been instituted against 75 persons.

Heard arguments of learned counsel for the parties and have also perused the documents on the file.

The only prayer in the present petition is for direction to

implement the orders/directions issued by the State Information Commission to provide information regarding encroachments in the village Ramana Ramani, Distt. Kaithal, Haryana.

On perusal of reply filed by respondents-State, it is apparent that as per direction issued by the State Information Commission, demarcation of the land of unauthorized occupants has been conducted and proceedings against those occupants have been initiated as per provisions of Section 7(2) of the Punjab Village Common Land Act before Assistant Collector First Grade, Kaithal.

Accordingly, as necessary action has been taken in view of direction issued by learned State Information Commission, it cannot be said that no action has been taken and as such the present petition is dismissed as infructuous.

12.03.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No