

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

**COCP No.2728 of 2013
Date of Decision : 03.12.2019**

Hinduwan Shamshan Bhumi

...petitioner

versus

Sita Ram and Ors.

...Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Bali, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

AVNEESH JHINGAN, JUDGE (ORAL)

The petitioner filed a writ petition seeking direction to the respondents to construct a boundary wall of land bearing Khasra No.475 in the revenue estate of Tosham, Tehsil Tosham, District Bhiwani, the land being described as 'Gair Mumkin Shamshan Bhumi'. The writ petition was allowed on 09.05.2012 directing the BDPO (Block Development and Panchayat Officer), Tosham to construct the boundary wall over the Hinduwan Shamshan Bhumi i.e. land bearing Khasra No.475.

The present petition is filed pleading that needful has not been done.

In the pleadings, it has come that the partial construction of the boundary wall has already been done. However, there was an encroachment on 95 sq. yards of the land for which the proceedings under Section 7 of Punjab Village Common Land (Regulations) Act, 1961 are pending.

Learned counsel for the petitioner is not disputing the fact that the boundary wall has been partially constructed. However, he makes a prayer that

let the proceedings under Section 7 be dealt with expeditiously so that the remaining wall can be constructed.

At this stage, it would be appropriate to refer to status report dated 17/19.09.2018 filed by Assistant Collector, SDO(C), Tosham wherein an undertaking was given that proceedings under Section 7 of Punjab Village Common Land (Regulations) Act, 1961 will be decided expeditiously.

The Court has been apprised that during the pendency of the said petition, Balwan Singh has expired and his LRs has been impleaded and notice has been issued as well. Keeping in view the status report and undertaking given by the Assistant collector-cum-SDO (C), Tosham, it is desirable that let the petition under Section 7 of the 1961 Act be decided as expeditiously as possible.

As there is substantial compliance of the direction of this Court and the remaining part could not be complied with there being a legal impediment that is pending litigation, no interference is called for in the contempt petition. Accordingly, the same is disposed of.

3rd December 2019

Manju

**(AVNEESH JHINGAN)
JUDGE**

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