

COCN No. 3110 of 2016

DECIDED ON: SEPTEMBER 24, 2019

KISHAN LAL

.....PETITIONER

VERSUS

SAMEER PAL SROW

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Chiranshu Bansal, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

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

AVNEESH JHINGAN, J (ORAL)

A writ petition bearing CWP No. 10379 of 2016 filed by the petitioner was disposed of on 24.05.2016 holding that there was an efficacious remedy with the petitioner to proceed under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 (for short 'Act'), as applicable to the State of Haryana. Further without adverting to the merits of the case a direction was issued to the Deputy Commissioner, Panipat to depute some responsible officer to hold a fact-finding enquiry and if the allegations made by the petitioner are found correct, to initiate appropriate proceedings in accordance with law.

The present contempt petition was filed stating that the needful has not been done as per the direction of this Court.

Pursuant to notice of motion, reply, affidavit and status report were filed. Today, again learned State counsel has filed a status report, same is taken on record. Copy handed over to the counsel for the petitioner.

As per the status report, approximately 20 acres land was in unauthorized possession of the villagers. Out of which 16.5 acres land has been got vacated from khasra No. 192, 193 and 194, the land was recorded as '*Gair Mumkin Johar*'. It has further been mentioned in the report that a pond is being developed on the said land. Status report further mentions that on the remaining 3 acres 4 kanal land there are pucca houses and appeals are pending before the Commissioner Karnal Division, Karnal and necessary action would be taken in accordance with law for taking possession of 3 acres 4 kanal land once these appeals are decided.

Learned counsel for the petitioner submits that it is an admitted fact that there are encroachment in 3 acres 4 kanal and hence, the directions of this Court have not been complied with.

There is a substantial compliance of the directions of this Court, as is evident from the status report filed today.

The contempt petition is disposed of with a direction to respondent that there should be no unnecessary delay in the decision of the appeals before the Commissioner Karnal Division, Karnal and thereafter, needful would be done as expeditiously as possible.

Needless to add that petitioner would be at liberty to avail remedy in accordance with law, if still some grievance survive.

SEPTEMBER 24, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*