

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

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**CIVIL WRIT PETITION NO.679 OF 2019
DATE OF DECISION: JULY 03, 2019**

Devender Singh

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present writ petition has been filed by the petitioner praying for issuing a writ of mandamus, directing respondent Nos.1 to 7 to restrict and prohibit respondent Nos.8 to 10 for illegally cutting down eucalyptus trees from the shamlat land comprised in Khasra Nos.103, 104 and 105 in Village Manglai, Tehsil and District Ambala i.e. panchayat land, which is in violation of Sections 4 and 5 of the Punjab Land Preservation Act, 1900 as applicable to the State of Haryana.

Notice in this case was issued by this Court and in pursuance thereof various orders have been passed. On 25.02.2019, a specific report by way of affidavit was filed by the Inspector-SHO, Police Station Mahesh Nagar, Ambala Cantt and on instructions from the Gram Sachiv, Ambala II, the State counsel informed that after carrying out the demarcation as per the

order dated 23.01.2019, 49 people, including the petitioner as well as respondent No.8, have been found to have encroached upon the shamlat land of the village. Said status report was ordered to be placed on file of this Court. In pursuant to that, on 26.03.2019, affidavit of the Block Development and Panchayat Officer, Ambala II, dated 26.03.2019 was filed in Court, wherein it was stated that notices have been issued to 49 persons on 22.02.2019 followed by reminder on 12.03.2019. Thereafter, fresh notices have also been issued on 19.03.2019. On 21.05.2019, the following order was passed:-

“In compliance to the order dated 26.3.2019 passed by this Court, affidavit of Mr.Rajvir Singh, Block Development and Panchayat Officer, Ambala-II, Haryana dated 21.5.2019 has been filed in the Court.

As per said affidavit, 46 illegal encroachments over the Gram Panchayat land have been removed and the vacant possession handed over to the Gram Panchayat Manglai. There are three illegal encroachments remaining for which police help is required for demolition of illegal structures which would be carried out within a period of one week from today by taking police help. It has further been stated that Forest department has assessed the value of the Eucalyptus trees as Rs.3600/- which has been deposited by Pawan Kumar on 17.5.2019 with the Gram Panchayat Manglai vide receipt No.54/408 dated 17.5.2019.

Counsel for the State, on instructions from Rajvir Singh, B.D.P.O. Ambala-II, Haryana prays for an adjournment.

Prayer allowed.

Adjourned to 28.5.2019 for filing a compliance report.”

The said order was followed by another order dated 28.05.2019, which reads as under:-

“Affidavit of the Block Development and Panchayat Officer, Ambala-II, Haryana dated 28.05.2019 has been filed in Court, taken on record.

According to the said affidavit, all encroachments on the Gram Panchayat land have been removed and possession thereof has been taken by the Gram Panchayat, Manglai at the spot. In para No. 15, it has been stated as follows:-

“ That accordingly, the Gram Panchayat, Manglai have taken the possession at the spot from the total illegal 49 encroachments on the land bearing Khasra No. 103, 104, 105. As stated above, the Gram Panchayat, Manglai already taken the possession from the illegal 46 encroachment and now also taken remaining 3 encroachments and as such there is no encroachment of the above mentioned 49 encroachments at the spot.”

Counsel for the petitioner also acknowledges the factum of the encroachments having been removed.

Let the resolution of the Gram Panchayat as also the affidavit of the Sarpanch be filed that all encroachments on the land of the Gram Panchayat, Manglai have been removed and the Gram Panchayat has taken possession of the said land. It should also be further stated in the said affidavit that they

would not permit encroachment again on the land.

Let the said affidavit be filed on or before the next date of hearing.

List on 03.07.2019.

To be shown in the urgent list.”

In compliance with the above order dated 28.05.2019, affidavit of Kiran Bala, Sarpanch, Gram Panchayat Manglai (Block Ambala-II), Tehsil Ambala Cantt., District Ambala, dated 03.07.2019 alongwith copy of resolution passed by the Gram Panchayat Manglai dated 28.06.2019 has been filed in Court, which is taken on record. As per the said affidavit, all encroachments on the Gram Panchayat land have been removed and as of now there is no encroachment. It has further been stated that the Gram Panchayat has undertaken to take steps to remove all encroachments in case there are any in future. It has further been stated in the said affidavit that further efforts would be made that no such encroachments are allowed to take place.

In view of the above and keeping in view the fact that encroachments have been removed and the amount of the cut eucalyptus trees, as assessed by the Forest Department, stands deposited with the Gram Panchayat, Manglai, Tehsil and District Ambala on 17.05.2019, the present writ petition has been rendered infructuous and the same is disposed of as such.

July 03, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No