

CWP-1266-2019

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

CWP-1266-2019.

Decided on: March 15, 2019.

Narsi and others

.. Petitioners

VERSUS

State of Haryana and others

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

*** * ***

**PRESENT Mr.Jagjeet Beniwal, Advocate,
for the petitioners.**

Mr.Rajiv Doon, Asstt. A.G. Haryana.

JASWANT SINGH, J. (ORAL)

The four (4) petitioners namely, Narsi, Dhufa, Bhema, and Suresh, who are residents of village Dhamtan Sahib, Tehsil Narwana, District Jind, had filed an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, seeking the removal of encroachments by some of the residents of the village from Khasra No.475/1, comprising 12 kanals 21 Marlas of ***Gair Mumkin passage*** in the village. Said eviction petition was allowed by the Assistant Collector First

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Grade, Narwana, vide order dated 30.10.2017 (**Annexure P1**), directing the removal of alleged encroachments. No appeal was filed and thus, has attained finality.

The instant writ petition has been filed seeking a direction to the authorities concerned to restore the possession since the execution petition filed by the petitioners was also not bearing any fruits.

On the directions passed by this Court, Dr. Aditya Dahiya, Deputy Commissioner, Jind, has filed his affidavit dated 12.3.2019, today in the Court, which is taken on record. Copy furnished.

In the affidavit, it is categorically stated that the encroachment by the said persons stands removed.

Counsel for the petitioner, however, disputes the factual situation stating that the **Malba** still remains at the spot.

In view of categoric stand of the Deputy Commissioner, Jind, the instant writ petition is disposed of as **infructuous**. However, liberty is granted to the petitioners to pursue the execution in view of the remaining encroachment, if any.

(JASWANT SINGH)
JUDGE

March 15, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No