

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

**CWP-PIL No.22 of 2019
Date of Decision :24.01.2019**

P.D.Bansal

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Sukhdip Singh Brar, Advocate for the petitioner.

Notice of motion.

Mr.Shireesh Gupta, Sr. DAG, Punjab, present in Court, accepts notice on behalf of the respondents. Copy furnished.

In the nature of order we propose to pass in the matter, no formal written statement(s)/counter affidavit(s), on behalf of the respondents, is indeed necessary, at this stage. Thus, with the consent of learned counsel for the parties the petition is being disposed of finally.

The petitioner purport to have approached this Court in Public Interest.

A writ in the nature of mandamus is prayed for commanding the respondents to take suitable action and remove the illegal encroachments caused upon a land that is alleged to be *shamlat*. A land measuring 16 acres comprised in H.B. No.223, Khewat No.3155, Khatauni Nos.4541 to 4550, is recorded as Manga Shamlat Patti in the record of rights. The grievance of

the petitioner is that even though in the revenue record the said land is shown to be vacant, but 3/4th of its area is actually encroached. For, godowns, residential buildings and factories etc. exists thereupon. As regard his grievance, vide representation dated 17.06.2016 (Annexure P-1), the petitioner had represented to Director Vigilance Bureau Punjab (respondent No.2), who in turn forwarded the matter to the Deputy Commissioner for inquiry and suitable action. Vide letter dated 22.07.2016, the Deputy Commissioner, Ludhiana-respondent No.3, marked an inquiry to Sub Divisional Magistrate, Khanna and report. However, the Sub Divisional Magistrate, Khanna, vide letter dated 15.02.2017, referred the matter to the Tehsildar, who in turn further marked it to the Executive Officer, Nagar Council, Khanna. Albeit, vide letter dated 8.5.2017, Nagar Council Khanna, required the Sub Divisional Magistrate to carry out the demarcation of the land in question (shamlat), but vide letter dated 20.03.2017, also requested the Tehsildar Khanna to mutate the land in it's name i.e. Nagar Council, Khanna.

Learned counsel for the petitioner submits that the matter in issue is sensitive and even though a considerable time has elapsed, but the respondents-authorities despite being in seisin of the issue have failed to take any suitable action. So much so, even the representation dated 25.08.2017, addressed to the Chief Secretary in this regard has failed to evoke any response. Thus, the public interest continues to suffer owing to the apparent inaction of the respondents.

Faced with this, learned State counsel submits that the concern

of the petitioner shall be considered at once and the authorities concerned shall pass appropriate orders within a specified time.

In the wake of the above, and without commenting upon the merits of the matter, we dispose of the petition with a direction to the respondents to consider and deal with the grievance of the petitioner and also his representation, indicated above, and pass appropriate orders in accordance with law, within a period of three months from today, after affording an opportunity of hearing to all the stake holders.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.01.2019

Manoj Bhutani

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