

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

CWP No.5388 of 2019(O&M)

Date of Decision:-05.04.2019

**Gram Panchayat Magar Block Kharar, Tehsil Kharar, District SAS
Nagar, Mohali through its Sarpanch Sh. Jatinder Singh Rana.**

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. S.S. Sarwara, Advocate for the Petitioner.

Ms. Anu Pal, Deputy Advocate General, Punjab.

Mr. NPS Mann, Advocate for private respondents.

JASWANT SINGH, J.(ORAL)

Gram Panchayat of Village Magar, Tehsil Kharar, District SAS Nagar, Mohali through its sarpanch has filed the present writ petition seeking a Mandamus directing the District Administration to get the land of the Panchayat measuring 5 Kanals and 04 Marlas comprised in Khasra No.55(4-10), 56/1/2 (0-14) from the illegal possession/encroachment of Lambardar Gian Singh and his sons.

This Court had directed the Deputy Commissioner to file a status report with regard to the ownership and possession of land comprised in Khasra No.55(4-10), 56/1/2 (0-14).

has been filed under Order 1 Rule 10 CPC by the applicant Sukhpal Singh son of Gian Singh, one of the alleged encroachers for his impleadment as party respondent no.5.

State Counsel has filed an affidavit dated 5.4.2019 of Smt. Gurpreet Kaur Sapra, Deputy Commissioner, SAS Nagar Mohali. The relevant para nos.3 to 5 of the same reads as under:-

“ 3. That in compliance of this order. It is submitted that the illegal possession of Sh. Gyan Singh was removed from Khasra No.55(4-10), 56/1/2 (0-14) in the year 2015. That on 25.03.2019 a report was sought from Tehsildar Kharar. He has submitted his report through letter no.1942/DK dated 25.03.2019. According to this report Khasra No.55 (4-10) is vacant and no one has encroached upon it. But in Khasra No.56/1/2 (0-14) one Gyan Singh has constructed a passage to his house in an area of (0-2) marlas. The land in dispute is the ownership of Gram Panchayat.

4. That after receiving the above report the authorities were directed to get the encroachment removed.

5. That Block Development & Panchayat Officer vide his letter No.1327 dated 02.04.2019 has informed that the encroachment has been removed and the Gram Panchayat has taken possession over the land in dispute. The Gram Panchayat has passed a resolution dated 02.04.2019 mentioning the factum of having taken the possession of the land in dispute. ”

Counsel for the petitioners in view of the stand of the official respondents states that no further proceedings are required in the present writ petition.

On the other hand learned Counsel for the applicant states that the action of the respondents is in violation of the status quo order.

Be that as it may, the present writ petition is **disposed of as**

infructuous. However, the parties are free to seek their remedy available to them in accordance with law.

In view of the above, no orders are required to be passed in the
aforementioned **CM No.5282 of 2019** under Order 1 Rule 10 CPC.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

April 05, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>