

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

CWP 5853/2019

Date of decision:03.05.2019

Gram Panchayat Village Kalsora

.....Petitioner

v.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.Hardeep Singh,Advocate for
 Mr.Vikram Singh,Advocate for the petitioner.

Mr.RK Doon,AAG Haryana assisted by
Mr.Vinay Pratap Singh, DC Karnal

Jaswant Singh,J,(Oral).

Petitioner-Gram Panchayat of Village Kalsora,Tehsil Indri,
District Karnal- by way of instant petition under Article 226/227 is seeking
a writ of mandamus directing the official respondents to protect the nature
of the Pond/Johar situated in Khasra no.523, allegedly being encroached by
certain residents of the Village by raising construction thereupon leading to
accumulation of dirty water in the streets/roads of the Village.

Vide order dated 5.3.2019 learned State counsel was directed to
seek instructions from Deputy Commissioner,Karnal regarding removal of
said encroachments from village Pond/Johar and the matter was fixed for
5.4.2019.

On 5.4.2019 since no response was received from the official
respondents hence the Court was constrained to direct Deputy

Commissioner,Karnal to be personally present in Court today.

In the interregnum short reply dated 16.4.2019 in the form of affidavit of Mr.Vinay Pratap Singh, DC,Karnal was filed on behalf of respondents 1 and 2 stating therein that BDPO,Kunjpura and Tehsildar Indri were directed to get khasra nos.423 and 523 demarcated so as to initiate the process of removal of encroachments from the said khasra numbers. In compliance thereof,both the officers after site inspection reported to DC Karnal vide letter dated 16.4.2019 that as per Jamabandi for the year 2017-18, Gram Panchayat,Kalsora is not owner of khasra numbers 423 and 523 and the land belongs to private persons/residents of the village. The said report and Jamabandi is enclosed with the affidavit as Annexures R-1 and R-2. In this backdrop it was stated in the affidavit that since the Gram Panchayat is not owner of the land in question hence question of removal of encroachments from khasra nos.423 and 523 does not arise. It is further averred in the affidavit that as far as village Pond is concerned,BDPO concerned has been directed to get the village Pond inspected for encroachments and then get the same removed through Village Panchayat within reasonable time and that assistance will be provided to Gram Panchayat by the concerned BDPO for such removal of encroachments.

In compliance of the order dated 5.4.2019 passed by this Court, Mr.Vinay Pratap Singh, Deputy Commissioner,Karnal has put in appearance. He reiterates the averments made in his reply dated 16.4.2019 and assures the Court that in case any encroachment is found in the Village Pond the same shall be removed at the earliest with all assistance to Gram Panchayat.

In view of the reply dated 16.4.2019 filed by DC Karnal and

statement made in Court today, learned counsel for the petitioner concedes that no further adjudication is required in the instant petition and the same be disposed of accordingly.

In view of the above, no further orders are required to be passed in the instant writ petition and the same is disposed of accordingly.

(Jaswant Singh)
Judge

03.05.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No