

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

**Civil Writ Petition No. 8412 of 2019 (O&M)  
Date of Decision: 25.04.2019**

Budh Singh and another

..... Petitioners

**Versus**

Joint Development Commissioner, Panchayat and  
Rural Development, Punjab and others

..... Respondents

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

Present: None for the petitioners.

Ms. Anu Pal, Deputy Advocate General, Punjab  
assisted by Mrs. Navdeep Kaur, BDPO, Dhuri (Sangrur) and  
Mr. Harminder Singh Hundal, Tehsildar, Dhuri (Sangrur)

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**JASWANT SINGH, J. (ORAL)**

**CM No 6078 of 2019**

By filing of the instant application, both the applicants-petitioners, namely *Budh Singh* and *Harbans Singh*, have sought to file their respective affidavits dated 22.04.2019 in compliance of the order dated 04.04.2019 passed by this Court, specifying that they are not in possession of any Government/Gram Panchayat land/property including *Shamilat* and are also not in default of any Public/Panchayat dues.

Application is **allowed**. The aforesaid affidavits of both the petitioners taken on record as **Annexures P-4 & P-5** respectively.

**MAIN CASE**

The two (02) petitioners are the residents of Village Badshahpur, Sub-Tehsil Sherpur, Tehsil Dhuri, District Sangrur and are seeking a writ of *Mandamus* directing the official respondents Nos. 1 to 5 to

execute and implement the Ejectment Orders dated 29.03.2016 (**Annexure P-1**), duly affirmed in Appeal vide order dated 29.08.2018 (**Annexure P-2**) in respect of removal of encroachment from *Shamilat Land* comprised in Khewat/Khatauni No. 775/724/1174 Khasra No. 86 (5-7), which is reserved for *Gair Mumkin Cremation Ground*.

Without issuing notice, this Court, vide order dated 04.04.2019, had directed the BDPO concerned to file a status report with regard to the execution of eviction orders.

At the time of resumed hearing today, Mrs. Navdeep Kaur, BDPO, Dhuri (Sangrur) and Mr. Harinder Singh Hundal, Tehsildar, Dhuri (Sangrur) are present in Court and the BDPO has filed a status report by way of affidavit dated 24.04.2019 in Court, which is taken on record. The relevant para Nos. 9, 10 & 11 of the said affidavit read as under:-

- “9. *That on 22.03.2019 the Field Kango Sh. Bhupinder Singh along with Block Development and Panchayat Officer, Dhuri and Sarpanch Gram Panchayat, Badshahpur and others visited the site for taking possession of the land in question but due to law and order problem the warrant of possession could not be executed on that day. Thereafter vide letter dated 22.03.2019 the Field Kango made a written request to the Naib Tehsildar for police protection at the time of taking possession of the land in question.*
10. *That the Naib Tehsildar, Sherpur vide letter dated 04.04.2019 requested the SDM, Dhuri for police protection to the Field Kango, Ghanuri Kalan at the time of executing the warrant of possession.*
11. *That the SDM, Dhuri vide letter dated 11.04.2019 recommended to the District Magistrate, Sangrur for providing police protection to the Field Kango, Ghanuri Kalan in order to maintain law and order*

*at the time of executing the warrant of possession.  
The permission from the office of District  
Magistrate, Sangrur for police protection to the  
Field Kango, Ghanuri Kalan at the time of executing  
the warrant of possession is still awaited. ”*

Learned State Counsel, on instructions from the aforesaid  
BDPO/Tehsilar, states that the aforesaid orders for removal of the  
encroachment shall be duly executed by appropriate steps within next four  
(04) months.

To facilitate the aforesaid stand, we **direct** the District  
Magistrate, Sangrur (Punjab) to provide police help for execution of the  
warrants of possession, as and when requested by the BDPO concerned.

In view of the prayer having been redressed, no further  
adjudication is required in the present writ petition and the same is,  
accordingly, **disposed of**.

In case the needful is not done within the stipulated period,  
liberty is granted to the petitioners to revive the petition.

( JASWANT SINGH )  
JUDGE

**April 25, 2019**  
'dk kamra'

( ARUN KUMAR TYAGI )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |