

CWP-8876-2019 (O&M)

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

**CWP-8876-2019 (O&M).
Decided on: April 22, 2019.**

Nathi Ram 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.Sandeep Goyal, Advocate,
for the petitioners.**

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

JASWANT SINGH, J. (ORAL)

The four (4) petitioners namely Nathi Ram, Lal Singh, Joginder and Inder Singh, residents of village Biana, Block Indri, District Karnal, have filed the instant writ petition seeking a writ in the nature of mandamus directing official respondent Nos.1 to 4, to decide the representations dated 6.11.2015, 26.12.2018 and 16.1.2019 (Annexure P4) and to take appropriate action against the encroachers who have constructed their houses and shops over the land reserved for Pond as per the demarcation report dated 3.7.2016 (Annexure P2). It is further prayed that Gram Panchayat – respondent No.5, be directed to stop the construction

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work and remove the existing construction from the land reserved for Pond falling in Khasra Nos.205 to 209, 218 and 219 as per Jamabandi (Annexure P1).

In view of the nature of the prayer, the learned State counsel was directed to check the factual situation of the matter.

At the time of resumed hearing today, learned State counsel has filed an affidavit dated 18.4.2019 of Mr.Gagandeep Singh, Development & Panchayat Officer, Karnal, along with Annexures R1 and R2, on behalf of respondent Nos.1 to 4, which is taken on record. Copy of the same has been furnished to the counsel for the petitioners.

The contents of the affidavit read as under: -

“1. That the brief facts of the case are that an eviction order dated 5.3.2019, was executed on the basis of demarcation conducted on 11.1.2019 by the Assistant Collector Ist Grade – cum – Sub Divisional Officer (C.), Indri, vide which respondent No.4 was directed that get removed the illegal encroachments of encroachers within 30 days upon the subject land i.e. Khasra No.218, which is reserved for drainage and hand over the possession of the same to the Gram Panchayat. But, Kunjpura was created a new block in District Karnal and village Biana which falls in the jurisdiction of respondent No.4, has been changed to the jurisdiction of Block Development & Panchayat Officer, Kunjpura, Distt. Karnal.

2. That in this regard, Assistant Collector Ist Grade – cum – Sub Divisional Officer (C.), Indri vide letter Memo No.118/Reader dated 5.4.2019, issued directions

to Block Development & Panchayat Officer, Kunjpura, for the compliance of order dated 5.3.2019. Copy of letter dated 5.4.2019, is annexed herewith as Annexure R-1 for the kind perusal of this Hon'ble Court.

3. *That in continuation of Annexure R-1, Block Development & Panchayat Officer, Kunjpura, vide memo No.65 dated 9.4.2019, has made requested the Assistant Collector Ist Grade – cum – Sub Divisional Officer (C.) Indri to issue warrant of execution, so that the order dated 5.3.209, may be complied with. Copy of letter dated 9.4.2019, is annexed herewith as Annexure R-2 for the kind perusal of this Hon'ble Court.*

4. *That it is humbly submitted that as soon as warrant of execution will be executed by the Assistant Collector Ist Grade – cum – Sub Divisional Officer (C.), Indri, proceedings of removing of unauthorised occupation will be implemented in true spirit.”*

In view of above contents of the affidavit, counsel for the petitioner agrees that nothing more survives for adjudication in the instant writ petition and accordingly the same is disposed of as having rendered infructuous.

(JASWANT SINGH)
JUDGE

April 22, 2019.
raj arora

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No