

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

CWP-17883-2019

Date of Decision: 05.07.2019

Desraj

. Petitioner

Vs.

State of Haryana and others

. Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

Present: - Mr.Rakesh Sharma, Advocate, for
Mr.Vikram Singh Dhakla, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner is a resident of Village Bakshiwala, Tehsil Pinjore, District Panchkula. He has filed this petition for seeking mandamus to direct the respondents to protect the nature of the pond/johar situated in the village.

Learned counsel for the petitioner has submitted that the johar is used for common purposes and is thus shamlat land. The only prayer made by the petitioner is that his representation/legal notice served upon the Deputy Commissioner and Block Development and Panchayat officer may be decided.

After hearing learned counsel for the petitioner and keeping in view the provisions of Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to Haryana') [for short 'the Act'], the petitioner, being the resident of Village Bakshiwala, is competent to file petition under Section 7 of the Act for seeking eviction of unauthorized occupation from the shamlat land.

In view thereof, in the presence of a remedy available under the Statute, the present petition is not maintainable and hence the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

05.07.2019
Vivek

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*