

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

CWP No.16582 of 2017
Date of decision: 22.02.2019

Gram Panchayat, Burj Muhar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present : Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Harpal Singh, Advocate for
Mr. Peeush Gagneja, Advocate for respondents No.4 to 11.

JASWANT SINGH, J. (ORAL)

The petitioner/Gram Panchayat, Burj Muhar is seeking a mandamus to protect its possession of the Panchayat land total measuring 66 *kanals* 07 *marlas* comprised in Rect No.119//2, 6, 7, 14, 3, 4, 5, 9, 10/1, Rectangle No.101//14/1, 16/2, 17, 22, 23, 24, 25, 19, Rectangle No.119//8, 11, 12, 13, 15, Rectangle No.101//9, 12, 13/1, 18, *khewat* No.350/307.

It is claimed that the private respondents No.4 to 11, who are the LRs of one Kartar Singh, are threatening to take possession of the aforesaid land in view of the judgment and decree dated 28.02.2017 (**Annexure P-4**) passed by Civil Judge (Jr. Divn.), Abohar whereby the suit for permanent injunction filed by them was decreed with the direction that the plaintiffs/respondents No.4 to 11 herein would not be dispossessed illegally and forcibly.

It is submitted that the said decree is not binding on the Gram Panchayat since the Gram Panchayat was not impleaded. Secondly, it is

submitted that the said decree was fraudulently obtained based on a stray entry of possession of Kartar Singh in khasra girdawaris by impleading the Sarpanch of the Village only. The Sarpanch had in his written statement specifically pleaded that it was the Gram Panchayat who was in possession of the land in dispute and the Sarpanch had been wrongly impleaded in his individual capacity.

This Court while issuing notice of motion on 28.07.2017 had protected the rights of the Gram Panchayat qua the land in dispute keeping in view the judgment and decree dated 28.02.2017 (**Annexure P-4**).

At the time of hearing, counsel for the parties are agreed that the present writ petition would not be correct Forum for seeking the relief as claimed. It is also conceded that the said Sarpanch, namely, Angrej Ram impleaded in his individual capacity has also filed an appeal against the judgment and decree dated 28.02.2017 (P-4).

In view of the aforesaid, counsel for the petitioner prays for permission to withdraw the present writ petition to enable the Gram Panchayat to seeks its remedy within two months from today in accordance with law.

Dismissed as withdrawn with aforesaid liberty, till any orders are passed in interim application by the appropriate Court in the remedy pursued by the Gram Panchayat, status quo regarding possession shall be maintained.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

22.02.2019
Vinay-I

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No