

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

209

**CWP No.204 of 2018
Date of Decision: 05.09.2019**

Amandeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present : Mr. S.S. Salar, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab
for respondents No.1 to 5.

Mr. Dinesh Kumar, Advocate
for respondent No.6.

RAKESH KUMAR JAIN, J. (ORAL)

The prayer is for the issuance of a writ in the nature of mandamus to direct the respondents to restore the possession of the land falling in mustatil No.70 Khasra No.8(6-16), 9(3-4), 12(8-0), 13(8-0) and 18(8-0) situated in the village Hameerpur alias Dhaipai, Tehsil and District Mansa. There is no dispute that an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short, "the Act") was filed by the Gram Panchayat against the petitioner and two others on the ground that they are in unauthorised occupation of shamlat land. The said petition was allowed on 08.11.2017. The possession of the land in dispute was taken on 11.12.2017 and the said fact was recorded in Rapat Rajnamcha No.137. It is not in dispute also that the order under Section 7 dated 08.11.2017 was further challenged by the petitioner by way of an appeal. The said appeal is stated to have been dismissed on 09.01.2019.

Counsel for the petitioner has submitted that the due procedure has not been adopted for taking possession of the land after the ejectment order was passed as according to him the police help should have been sought.

We have heard learned counsel for the petitioner and on perusal of record, are of the considered opinion that the prayer of the petitioner is totally misplaced as it is the duty of the Court to put the Panchayat in possession of the land after order of eviction is passed. The petitioner, if so advised, may challenge the order passed under Section 7 of the Act by the Collector and the appellate Court in accordance with law. But insofar as the present petition is concerned, the same is hereby dismissed being devoid of any merit.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

05.09.2019
Vinay

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