

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

CWP 20409/2018

Date of decision:05.02.2019

Gram Panchayat,Nagawa

.....Petitioner

v.

State of Haryana and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Mr.Rakesh Bakshi,Advocate for the petitioner

Mr.Arun Beniwal,DAG Haryana

Mr.Mohit,Advocate for respondents 8 and 9.

Jaswant Singh,J,

Ranbir Singh and 9 others, residents of Village Nagawa, Hadbast No.122, Tehsil Naraingarh, District Ambala moved an application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act,1961 (for short the Act) seeking eviction of one Gyan Chand from land comprised in Khewat No.212, Khatoni No.307,Khasra no.56,total 63 kanals 10 marlas situated in Village Nagawa recorded as *abadi deh* and in continuous possession of Gram Panchayat and used to be given on lease but said Gyan Singh/Chand had illegally encroached upon land in khasra 56 min measuring 23 kanals 10 marlas (out of total 63K10M)and despite repeated requests did not remove his encroachment.

Upon notice, respondent Gyan Singh/Chand filed reply stating that the land in dispute is in khasra no.56 being cultivated by him as

proprietor since long and *girdawari* of the same also stood corrected in his name and that the instant application was filed only because of party politics.

Assistant Collector Ist Grade, Naraingarh vide order dated 1.10.2008 (P-1) found that respondent Gyan Chand failed to produce any evidence of his ownership and as such ordered his dispossession from the land in dispute.

Aggrieved against the order P-1, Gyan Chand filed an appeal under Section 13-B of the Act before Collector, Ambala. Vide order dated 24.12.2013 (P-2), Collector, Ambala dismissed the appeal by holding that the land in dispute falls in *abadi deh* whose ownership vests in Gram Panchayat and being used for common purpose. It was held that the appellant was in illegal possession over the land in dispute as he was not giving any rent of this land to the Gram Panchayat nor he placed any evidence regarding his ownership.

Still aggrieved, Gyan Chand filed revision before Commissioner, Ambala Division which too was dismissed vide order dated 27.3.2018 (P-3).

Now Gram Panchayat, Nagawa has filed the instant writ petition with the grievance that despite concurrent findings by the Courts below, the officials concerned have failed to execute the order of dispossession of Gyan Chand from the land in dispute.

Notice of motion was issued.

At the time of hearing today learned counsel for respondents 8 and 9 i.e. Office Kanungo & Field Kanungo, Naraingarh and Halka Patwari, Mouja Nagawa states at the Bar that said Gyan Chand stands

evicted from the land in dispute. It is further assured that even if some other encroachment is found in khasra no.56 the same would be removed in accordance with law.

In view of the statement made by learned counsel for respondents 8 and 9, counsel for the petitioner states that the instant petition has become infructuous.

Disposed of as having become infructuous.

(Jaswant Singh)
Judge

05.02.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No