

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

CWP No.22294 of 2018(O&M)

Date of Decision:-20.05.2019

Imrat & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

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

Present:- Mr. Rajender Singh Malik, Advocate for the Petitioners.

Mr. Rajiv K. Doon, Assistant Advocate General, Haryana
for respondent nos.1 to 3.

Mr. Shilak Ram Hooda, Advocate for respondent no.4.

Mr. Gautam Kaile, Advocate for applicants
(in **CM No.16361 of 2018**).

JASWANT SINGH, J.(ORAL)

Seven petitioners, namely, Imrat, Gokul, Brahm Parkash, Rampal, Naresh, Jasbir and Randhir are stated to be non proprietors and residents of village Khurampur, Tehsil Rai, District Sonapat. They are seeking a Mandamus for directing the official respondents to remove the illegal encroachment upon around 300 acres of Gram Panchayat Land out of total 2398 Kanals as per mutation no.426 in favour of Gram Panchayat.

This Court, although is yet to issued notice, had directed the

BDPO Rai to file a status report vide order dated 29.10.2018.

In compliance affidavit dated 26.10.2018 of Sh. Manish Malik, Block Development and Panchayat Officer, Rai has been filed. The submission on behalf of petitioners is that the government had resumed the possession from the encroachers on the aforesaid 300 acres of land after passing of an order dated 26.11.2015 passed by Collector, Sonapat in the title suit decided in favour of the Gram Panchayat, however, the said encroachers have reoccupied the said land and no action has been taken except lodging of formal FIRs under Section 447 of Indian Penal Code read with Sections 147 and 149 IPC.

On the other hand, learned State Counsel, from the contents of the affidavit submits that proprietors had filed a title suit under Section 13-A of The Punjab Village Common Lands Act, 1961 seeking a declaration of ownership of the Gram Panchayat qua 2398 Kanals of land, which was decided in favour of Gram Panchayat vide order dated 26.11.2015, which in appeal was set aside and the issue remanded back vide order dated 14.5.2017 passed by Commissioner, Rohtak Division, Rohtak. The position thus is that the title suit is pending adjudication before the Collector Sonapat for 11.07.2019. It is also pointed out that the alleged encroachers have approached the Civil Courts seeking permanent injunction, wherein status quo orders have been passed, however, it cannot be disputed that the possession for the alleged encroachers can be retrieved only in due course of law i.e. by filing of eviction proceedings. Concededly, no such option has been opted even by the petitioners much less the Gram Panchayat.

Keeping in view the aforesaid conspectus of facts, this Court is satisfied that the authorities are taking action as permissible under law and are not guilty of any inaction.

In view of the above, no further adjudication is required and the present writ petition is hereby **disposed of**. However, no orders are required to be passed in **CM No.16361 of 2018** seeking impleadment of applicants as respondent nos.5 to 95 in the present writ petition.

It is hoped that the Collector, Sonapat would take the steps to expedite the conclusion of the pending title suit and decide the same preferably within one year from today.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 20, 2019
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>