

CWP-22537-2018

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

CWP-22537-2018

Date of Decision: 15th July, 2019

Bholu Singh & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Mr. Charanpreet Singh, Asstt. A.G., Punjab
for respondents No.1 to 3 and 5.

Mr. Vinod S. Bhardwaj, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 18.04.2018 (Annexure P-17) passed by the Joint Development Commissioner (IRD)/ Special Secretary, Rural Development and Panchayat Department (exercising the powers of Commissioner), Punjab, whereby, appeal preferred by the Gram Panchayat, Phulad – respondent No.3 was accepted and the case remanded back to the District Development and Panchayat Officer (exercising the powers of Collector), Sangrur – respondent No.3 for fresh decision on a petition preferred under Sections 4 and 5 of the Punjab

CWP-22537-2018

Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as '1973 Act').

Learned counsel for the petitioners states that during the pendency of the writ petition, remand order dated 18.04.2018 (Annexure P-17) passed by respondent No.2 has been given effect to as the District Development and Panchayat Officer, Sangrur – respondent No.3 has permitted withdrawal of the petition preferred by the gram Panchayat under the 1973 Act and further directed the filing of a fresh one after getting proper demarcation of the land vide order dated 25.09.2018. He, however, points out the grievance of the petitioners that after the passing of the order by this Court in CR No.6739 of 2016, titled as 'Mithu Singh Vs. District Development and Panchayat Officer & others', decided on 23.08.2017 (Annexure P-8), whereby, gram panchayat was directed to put the petitioner in actual and physical possession of the land in question, the said order passed by this Court had been given effect to and the possession, admittedly, is of the petitioners as this fact is not disputed by the counsel for respondent No.4 - Gram Panchayat, Phulad, Tehsil Moonak, District Sangrur. He, however, asserts that after the possession having been handed over to the petitioners and such a rapat roznamacha has been entered into the revenue records, the relevant records have not been changed appropriately. If that be the grievance, petitioners may move an appropriate application before the Competent Authority.

The present writ petition has been rendered infructuous.

Disposed of as such with liberty to respondent No.4 to avail of its remedy in

CWP-22537-2018

accordance with law as has been said by the District Development and Panchayat Officer, Sangrur – respondent No.3, in its order dated 25.09.2018.

15th July, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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