

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

203

CWP No.25062 of 2017
Date of Decision: 06.05.2019

Chand Singh @ Harchand Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present : Mr. A.P. Kaushal, Advocate for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. R.S. Pandher, Advocate for respondent No.4.

JASWANT SINGH, J. (ORAL)

The petitioner and one Gurdeep Singh were proceeded against under Section 3 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short, “the Act”) for eviction from 5 *marlas* of land each in their illegal possession, by extending the portions of their shops, comprised in *khasra* No.1126 *Min*, in Village Boha, Tehsil Budhlada, District Mansa, concededly recorded as a *gair mumkin rasta*. The notice was duly served upon the petitioner Chand Singh @ Harchand Singh, who after appearing through his counsel subsequently abstained from the proceedings, thus was directed to be proceeded ex-parte. The Collector-cum-DDPO, Mansa based on the demarcation report dated 09.12.2010 (**Annexure P-4**) found the illegal possession of the petitioner as also Gurdeep Singh to the extent of 5 *marlas* each and thereby directed the removal of the same, however, without recording the recovery of charges for unauthorised use of land (**Annexure P-6**). The appeal filed by the petitioner was dismissed vide

order dated 07.09.2016, passed by the Joint Development Commissioner (**Annexure P-7**) exercising the powers of Commissioner under Section 9 of the Act. It transpires that the area of the Gram Panchayat came to be notified as falling within *Nagar Panchayat*, Boha, District Mansa and thereafter within the area of Municipal Council, Boha.

The case of the petitioner was/is that his construction fell within the area of *khasra* No.1039, however, in view of the petitioner having led no evidence to rebut the case of the Gram Panchayat and suffering concurrent findings recorded by the quasi-judicial authorities, is left with no choice but to accept the findings.

Learned counsel for the petitioner states that in the execution proceedings initiated by the Municipal Council, Boha, it has been observed that the possession of the encroached portion of the road shall be restored/retrieved after conducting a demarcation of *khasra* No.1126, thus his client would have no further grievance. He, therefore, prays for permission to withdraw the present writ petition.

Dismissed as withdrawn.

In view of the submission made by the petitioner, possession of the land alleged to be encroached upon be restored after conducting the demarcation, as ordered by the executing Court.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

06.05.2019
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No