

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

**Civil Writ Petition No. 29271 of 2018 (O&M)
Date of Decision: 09.05.2019**

Balwinder Singh and another

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Ashok Giri, Advocate
for the petitioners.

Ms. Anu Pal, Deputy Advocate General, Punjab
for official respondent Nos. 1 to 4/State and assisted by
Mr. Deep Kamal, DSP Kharar (Mohali) and
Mr. Hiten Kapila, BDPO, Majri (Mohali).

Mr. Munish Jolly, Advocate
for respondent No. 5-Gram Panchayat Kansala, Majri (Mohali)

JASWANT SINGH, J. (ORAL)

Both the petitioners, by filing the present petition, seek issuance of a writ in the nature of *Mandamus* directing the official respondents to deliver the physical possession of the leased land to them for which they have already deposited the lease money.

The case of the petitioners and the Gram Panchayat is that the land, in dispute, measuring 18 acres 06 Kanals and 08 Marlas situated in Village Kansala, Tehsil Kharar, District SAS Nagar, was leased out for a period of 02 years w.e.f. May 2018 on payment of annual lease money, however, the private respondent Nos. 9 to 15 have unauthorizedly encroached upon the said land without any legal authority, thereby not only causing loss to the Gram Panchayat, but also guilty of offence under Section 13-A of The Punjab Village Common Lands (Regulation) Act, 1961 (in

short “The Act, 1961”).

It was contended that inspite of the Block Development and Panchayat Officer (BDPO), Majri, writing to the DSP Kharar as far as back on 11.09.2018 (**Annexure P-10**) for registering the FIR and taking appropriate action, nothing was done.

Since no action by the police authorities in registering the FIR, if any, was being taken, the State was called upon to verify the facts.

At the time of hearing today, learned State counsel on instructions from Mr. Deep Kamal, DSP, Kharar, submits that an FIR under Section 13-A of “The Act, 1961” read with Section 447 IPC stands registered and further appropriate action shall be taken in accordance with law.

At this stage, Mr. N.P.S. Mann, representing the alleged unauthorized encroachers i.e. private respondent Nos. 9 to 15 states that his clients have filed a title suit under Section 11 of “The Act, 1961” and have a *status quo* order in their favour.

In view of the aforesaid facts, the petitioners having a private contractual relation with the Gram Panchyat, no further adjudication is required in the present petition and the same is liable to be dismissed.

“Dismissed”.

(JASWANT SINGH)
JUDGE

May 09, 2019
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(ARUN KUMAR TYAGI)
JUDGE

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