

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

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CWP No.8960 of 2017
Date of Decision: 15.05.2019

Daya Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present : Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Rajeev Doon, AAG, Haryana
for respondents No.1 to 4-State.

Mr. Harkesh Manuja, Advocate
for respondents No.6 and 7.

JASWANT SINGH, J. (ORAL)

The petitioner-Daya Ram is a resident of Village Bhadar, Tehsil Matlauda, District Panipat. In the instant petition he is seeking a mandamus directing the official respondents/respondents No.1 to 4 to remove the illegal encroachments from the pond/*johar* of the village. He has also levelled allegations of cutting down the Eucalyptus trees and causing loss to the Gram Panchayat by the present Sarpanch-Smt.Reena/respondent No.7, thus, seeks an action against her as well.

Upon notice, Block Development and Panchayat Officer, Matlauda, District Panipat has filed reply on behalf of official respondents No.1 to 4. The private respondent No.7 and the Gram Panchayat/respondent No.6 through Mr. Harkesh Manuja, Advocate has filed a separate reply.

Counsel for the State/respondents No.1 to 4 submits that the present writ petition has become infructuous in view of the action initiated, as detailed in the written statement for removal of the encroachments from the village pond/*johar* after proper demarcation. He further submits that the allegations of the cutting down of Eucalyptus trees by the present Sarpanch was also enquired into including spot inspection and the allegations were found to be false. He thus submits that no further action is required on the part of the official respondents.

Counsel for the private respondents states that in view of the answering respondents having removed the unauthorised encroachments made by the petitioner from *khasra* No.64//10/1 with the police help has levelled the false allegations qua cutting down of Eucalyptus trees by the present Sarpanch. He further reiterates the stand of the official respondents qua action taken for removal of the encroachments by initiation of proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961. That apart, to show the conduct of the petitioner it is asserted that the petitioner is facing trial in an FIR regarding seeking of Government employment based on false certificates.

Counsel for the petitioner very graciously accepts the aforesaid factual position.

Keeping in view the pleaded case of the respondents, qua which no replication has been filed and acceptance of the aforesaid factual position by the counsel for the petitioner, this Court is satisfied

that the primary grievance of the petitioner stands redressed and no further action is required.

Disposed of as infructuous.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

15.05.2019
Vinay-I

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No