

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

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C.W.P.No.743 of 2020

Date of Decision:- 03.03.2020

Parveen and others

....Petitioners

vs.

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Vikram Singh, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners allege that the demarcation report Annexure P-7 is illegal because the report itself shows that the area demarcated at the spot was not in accordance with the record of the Survey of India.

Admittedly, proceedings have been initiated for eviction of the petitioners from land alleged to be under their illegal encroachment. The said proceedings have been initiated because a resident of the village filed CWP No.20470 of 2019 with the grievance that the revenue officials had not carried out demarcation proceedings in respect of certain land despite repeated representations and that the said land had been encroached upon. In the said writ petition, this Court had directed demarcation to be carried out and the same has since been done. Pursuant thereto, proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, (hereinafter referred to as 'the 1961 Act') have been initiated.

Learned counsel for the petitioner submits that since the demarcation itself is not correct, the rights of the petitioners in the petition

under Section 7 of the 1961 Act, have been foreclosed. The authority before whom the eviction proceedings have been initiated will not be in a position to go behind the demarcation report and, thus, grave injustice will be caused.

I am not convinced with the argument raised by the learned counsel for the petitioner. Any authority deciding a *lis*, is entitled to see whether the evidence produced before it is legal and admissible or not. Thus, it is incorrect to argue that the authority before whom proceedings under Section 7 of the 1961 Act have been initiated will not be able to examine the validity of the demarcation.

Thus, I find no merit in the writ petition and dismiss the same. However, the petitioners would be entitled to set up the defence that the demarcation report cannot be looked into as it is violative of the principles of demarcation.

March 03, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**