

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15594-2016

Date of Decision:-03.02.2020.

Mahabir Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. A.S. Tewatia, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional A.G., Haryana.

Mr. Sunny Bhardwaj, Advocate for respondent No.5.

SANJAY KUMAR, J. (Oral)

This writ petition was filed assailing the appellate order dated 20.10.2015 (Annexure P-11) passed by the Director, Development and Panchayats Department, Haryana.

The grievance of the petitioners was that though the appeal was dismissed in the light of the demarcation report dated 18.10.2013, the notices issued to the petitioners on 11.07.2013, calling upon them to remove certain alleged encroachments, were not recalled.

Perusal of the appellate order dated 20.10.2015 demonstrates that the Appellate Authority took note of the finding in the demarcation report dated 18.10.2013 to the effect that no encroachment had been found on the disputed land in *Gali* No.975. Significantly, the notices referred to

supra were issued prior to the aforestated demarcation report and the same proceeded on the understanding that there was some sort of encroachment on the disputed land in *Gali* No.975. In the light of the later demarcation report, it is clear that the earlier notices were rendered redundant as no encroachment was found.

Mr. Sunny Bhardwaj, learned counsel appearing for the Gram Panchayat, Bapora, Tehsil and District Bhiwani, the 5th respondent, would affirm this factual position. In that view of the matter, the cause for complaint on the part of the petitioners no longer exists. It is made clear that in the light of the Appellate Authority's order based on the demarcation report dated 18.10.2013, the earlier notices dated 11.07.2013 cease to have effect and are incapable of being acted upon at this stage.

The writ petition is disposed of making this position clear.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 03, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.