

CWP No.21582 of 2020

(Proceedings through V.C.)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

108

CWP No.21582 of 2020
Date of decision: 15.12.2020

MAMCHAND AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

PRESENT: Mohd. Arshad, Advocate for the petitioners.

S.N. SATYANARAYANA, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic

Learned counsel Ms. Shruti Jain, DAG, Haryana takes notice for respondents No.1 to 3.

With this service to respondents is complete.

The petitioners herein, are said to be residents of Ward No.13, Firozpur Jhirka, It is contended that they are residing in the said place for more than 40 years and all of a sudden the State Machinery i.e. Deputy Commissioner, Nuh Mewat and as well as the officers of Municipal Corporation, Firozpur Jhirka are making attempt to dispossess them from the place they are residing. It is contended that all the persons are below poverty line and that they have been residing in the said place for more than 40 years and they have paid for the property. However, we are of the considered opinion that the title of the petitioners cannot be decided in the writ jurisdiction. In any event, there is a representation made by the

petitioners which is in the nature of a petition, as seen in Annexure P-3 to this writ petition addressed to second respondent i.e. Deputy Commissioner, District Nuh Mewat. We hereby, direct the Deputy Commissioner, District Nuh Mewat to look into the said representation and pass appropriate orders on the said representation. If, ultimately it is found that they are squatting on Government land, then it is open for the respondents to take possession of the same. However, before doing that sufficient time may be given to them to get themselves re-located in any suitable place of their choice without encroaching into the land belonging to the respondent-State. The said decision shall be taken at the earliest.

However, until their representation is decided and sufficient time is granted to them to re-locate themselves, no steps should be taken to forcibly evict them.

With these observations, the writ petition is disposed of.

(S.N. SATYANARAYANA)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

December 15, 2020
Jyoti-IV

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No