

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

**Civil Writ Petition No. 22083 of 2020 (O&M)
Date of Decision: 21.12.2020**

Puran Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

Petitioner-Puran Singh has filed the present petition seeking quashing of impugned order dated 13.12.2019 (**Annexure P-7**) passed by respondent No. 3-Collector, Kaithal, whereby the order dated 04.05.2018 passed by Assistant Collector, Ist Grade, Kaithal-respondent No. 4 was set aside; and also prayer has been made for setting aside order dated 08.10.2020 (**Annexure P-8**) passed by respondent No. 2-Commissioner, Karnal Division, Karnal, whereby the order dated 13.12.2019 (**P-7**) has been upheld and consequently petitioner has been ordered to be evicted under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961.

Learned counsel for the petitioner has argued that the authorities below have wrongly passed the impugned orders by not considering the fact that in the rooms built by him, only earthen utensils have been kept and nothing else. It is further argued that the eviction petition filed by him is motivated as a few residents of the Village want him

to be dispossessed from the land in question where petitioner is running his kiln and making earthen utensils.

We have heard counsel of the petitioner at length and perused the paperbook. However, we find that there is no merit in the present writ petition.

Admittedly, the land in question is reflected as “*Gair Mumkin Kiln*” upon which apart from using it for baking utensils nothing else can be done. It is further not in dispute that Naib Tehsidlar had visited the spot and prepared a report as per which it was found that, apart from petitioner, many other persons were in occupation of the land after making their residential houses. As far as the petitioner is concerned, his son-Mohinder had built two rooms, one verandah, one kitchen and toilet-bathroom in an area of 30’ x 30’, whereas petitioner had constructed a room of 12x12 feet and 20 x 12 feet verandah in the said land.

Once there is concrete evidence of construction of residential houses in an area earmarked for Kiln, we have no hesitation in holding that the authorities below had rightly evicted the petitioner and other persons from the land in question.

In view of the above, finding no merit, the present writ **petition** is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

December 21, 2020

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(SANT PARKASH)
JUDGE

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