

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

105

Civil Writ Petition No.166 of 2021
Date of Decision: August 27th, 2021

Suraj Bhan and others

...Petitioners

Versus

District Collector, Gurugram and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Dinesh Kr. Dakoria, Advocate
for the petitioners.

Mr. Raman Sharma, Additional Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J.

On 07.04.2021, following order was passed:-

“Petitioners in this writ petition have been found to be in illegal possession of the Gram Panchayat land, which is apparent from the impugned orders.

Counsel for the petitioners, vide an earlier application, has placed on record the allotment deeds, copies of which have been placed on record as Annexures A-1 to A-3, according to which the petitioners have been allotted 100 Sq.yards residential plots, details, whereof are as under:-

“(i) Khasra No.23, Kila No.6,7,8/1, 3/2, 4/1 to Smt.Prem Devi w/o Sh.Bhim Singh, resident of Village Hariyahera, Tehsil Sohna, District Gurugram.

(ii) Khasra No.17, Kila No.15 to Sh.Surajbhan s/o Mamchand and Smt.Santa Devi w/o Surajbhan, resident of Village Hariyahera, Teh.Sohna, District Gurugram.

(iii) Khasra No.17, Kila No.15 to Sh.Prabhudayal s/o Suraj Bhan and Smt.Naresh Devi w/o Prabhudayal, resident of Village Hariyahera, Teh.Sohna, District

Gurugram.”

These allotment deeds were registered on 14.11.2013 before the Joint Sub Registrar, Sohna.

Let the Block Development and Panchayat Officer, Sohna, file an affidavit, detailing therein as to whether the houses, which have been built by the petitioners, are on the plots, which have been allotted to them and the area on which the petitioners are in illegal possession. The said affidavit be filed within a period of three weeks.

*List on **07.05.2021.**”*

In pursuance to the said order, an affidavit dated 28.04.2021 has been filed by the Block Development and Panchayat Officer, Sohna, where in paras 2 and 3, it has been stated as follows:-

*“2. That in compliance of the above orders, a report has been called from Block Patwari, Sohna regarding the issues in the present writ petition. The Block Patwari, Sohna submitted his report dated 19-04-2021 in the office of deponent. As per said report it was found that the petitioner no. 2 was allotted 100 square yards residential plot in Mustil No. 23, Killa No. 6 , 7, 8/1, 3/2, 4/1 min and petitioner no. 1 and 3 was allotted residential plot in Mustil & Killa No. 17//15 under the Mahatma Gandhi Gramin Basti Yojna by the Gram Panchayat Hariyahera. But, the petitioner no. 1 found in illegal possession on different land i.e. Mustil & Killa No. 17//15 and the petitioner no. 2 and 3 are found in illegal possession in excess on the allotted land. Copy of report dated 19-04-2021 is annexed as **ANNEXURE R-1.***

3. That in the year 2017, the Gram Panchayat Hariyahera demarcated its land in Mustil & Killa No. 17//15 alongwith its other lands through concerned Tehsildar with the help of Differential Global Positioning System. As per the said demarcation report, the petitioners alongwith others found in illegal possession on panchayat

land. The details of encroachment of the petitioners is as follows:-

Sr. No.	Name	Khasra No.	Dimensions in Feet East – West - South – North	Area in Sq. Yards
1.	Surajbhan son of Sh. Mamchand	17//15	57, 61, 52.5 + 52.5, 107	632.6
2.	Prem wife of Sh. Bhim Singh	17//15	19 + 66, 82, 36 + 42, 61	339
3.	Parbhu Dayal son of Sh. Surajbhan	17//15	71, 66, 47, 36	313

In the light of the above, it is apparent that the petitioners are in illegal possession of the land of the Gram Panchayat.

Learned counsel for the petitioners states that petitioner No.2 has been wrongly mentioned to have been allotted plot in Mustil No.23, Killa Nos.6, 7, 8/1, 3/2, 4/1 min in para 2 of the affidavit. This he contends by asserting that initially no doubt petitioner No.2-Prem wife of Shri Bhim Singh was allotted plot in Mustil No.23, Killa Nos.6, 7, 8/1, 3/2, 4/1 min vide Resolution No.1 dated 08.06.2012 (Annexure A-1) but thereafter this petitioner had been allotted Plot No.17 in Killa No.15 vide certificate dated 14.11.2013 issued by the Sub Registrar, Sohna while registering the said gift deed in favour of the said petitioner.

Even if the said contention of the counsel for the petitioners is accepted, a perusal of para 3 would show that all the three petitioners are in possession of land which is in far access of the residential plot measuring 10 square yards which was allotted/gifted to them. In the light of the fact that they are in illegal possession of the excess of the land which was allotted to them, the order of eviction as passed by the authorities cannot be said to be illegal.

The writ petition, therefore, being devoid of merit, stands

dismissed. However, it is clarified that the petitioner be evicted from the land which is in excess of 100 square yards, which was initially allotted to them.

The needful be done within a period of six weeks from today and the vacant possession handed over to Gram Panchayat, Village Haryaheda, Sub Division Sohna, District Gurugram.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 27th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No