

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

CWP-2051-2021 (O&M)

Date of decision : 29.01.2021

Babli and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Anmol Partap Singh Mann, Advocate
for the petitioners.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a civil writ petition under Articles 226/227 of the Constitution of India praying for issuance of a writ of *mandamus* directing respondent No.2/Director, Village Development and Panchayat Department, Government of Punjab to take action against respondent No.5, Raman Singh, Sarpanch of Village Muradpur Jattan, Block Mukerian, Hoshiarpur.

Learned counsel for the petitioners has contended that respondent No.5, who is the elected Sarpanch of Village Muradpur Jattan, Block Mukerian, Hoshiarpur, is in illegal occupation of 7 marlas of common land (*Mustarka Malkan*) of the village on which he has constructed a double storied residential house. He would further contend that despite several representations, no action had been taken. He has further referred to a letter dated 30.12.2019 written by respondent No.2 - Director, Village Development and Panchayat Department, Government of Punjab - addressed to respondent No.3 - Deputy Chief Executive Officer, Zila Parishad, Hoshiarpur - to investigate the matter and to give a report within a period of 10 days. However, no action has been taken.

Learned counsel for the petitioners has also referred to Annexure P-7 dated 27.11.2020 whereby a fresh representation has been given for taking action against respondent No.5 being in illegal occupation

of 7 marlas of a common land. However, till date no action has been taken. Learned counsel for the petitioners would further contend that at this stage he limits his prayer in the present petition and would be satisfied if a direction is issued to respondent No.2 to decide the representation dated 27.11.2020 (Annexure P-7) and to take action in accordance with law, in a time-bound manner.

Notice of motion.

On the asking of the Court, Ms. Anju Arora, Addl. A.G., Punjab, who has joined the session through video conferencing, accepts notice on behalf of respondent Nos.1 to 4. Since the matter is not being decided on merits, the service on respondent No.5 is dispensed with.

Without commenting upon the merits of the case and keeping in view the limited prayer made by learned counsel for the petitioners, the present writ petition is disposed off with a direction to respondent No.2 - Director, Village Development and Panchayat Department, Government of Punjab - to decide the representation dated 27.11.2020 (Annexure P-7) and to take necessary action, in accordance with law, as expeditiously as possible preferably within a period of two months from the date of receipt of the certified copy of this order.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

29.01.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO