

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

CWP-6618-2021

DECIDED ON: 15th NOVEMBER, 2021

MANISH KUMAR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.
HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Manvinder Sidhu, Advocate for the petitioners.

Mr. Raman Kumar Sharma, Addl. AG, Haryana.

AUGUSTINE GEORGE MASIH, J (ORAL)

In compliance with the order dated 22nd March, 2021 passed by this Court, an affidavit dated 22nd October, 2021 of Deputy Director, Agriculture & Farmer Welfare Department, Sirsa has been filed wherein para Nos. 3 and 5, it has been stated as follows:-

“3. That in this regard, it is submitted that in due compliance of the directions issued by the Hon'ble Court, an application dated 26.3.2021 was moved before the Tehsildar Revenue, Sirsa seeking the demarcation of the lands measuring 03 kanal 17 marla, situated in Vill. Gram Panchayat Dhani Kahan Singh, comprised in khewat No. 2112. On the said application, the demarcation proceedings were done by Samar Sain Kanungo, Halqa Madhosinghana and demarcation was conducted in the presence of Subhash Chander, Patwar Halqa (who remained present along with records of lands) and the number of persons present there. During the demarcation proceedings found that in the lands comprised in khasra No. 372, some of the persons have possessed over the lands by raising construction of their houses & shops. Detail of those persons is as under:

- i) *Ashok Kumar son of Ranjita Dass (Less than a marla)-*
 - ii) *Balbir Kumar son of Jaila Ram (10 marla)-Respondent No.11*
 - iii) *Mangat Ram son of Charan Dass (About 2 marla)-*
 - iv) *Rajender son of Gurdayal Chand (7 marla)*
 - v) *Ashok Kumar son of Satnam Chand (About 7 marla)*
 - vi) *Mahender son of Budha Ram (about 1 marla) Respondent No.16.*
 - vii) *Atam Parkash son of Parma Ram (2 marla) Respondent No.17.*
 - viii) *Rakesh son of Atam Parkash (1 marla)-Respondent No.18.*
 - ix) *Sewa Singh s/o Jangir Singh (15 marla-1 marla shop & 14 marla house).*
 - x) *Ashok Kumar Bajaj (2 marla)*
 - xi) *Subhash son of Karam Chand (01 marla)*
 - xii) *Om Parkash son of Jattu Ram (01 marla)*
 - xiii) *Harbans son of Karam Chand (2 marla)*
 - xiv) *Jagdish son of Hari Kishan (01 marla)*
 - xv) *Pawan son of Om Parkash (01 marla)*
 - xvi) *Jaspal son of Thana Singh (19 marla)*
4. *That after getting the demarcation report made by the Revenue Authorities, about the detail of persons encroached upon the land of the Agriculture & Farmer Welfare Department, Sirsa, request letter, vide office memo No. 5932 dated 23.04.2021 was filed before the Sub Divisional Magistrate, Sirsa. Copies thereof were also sent to the concerned High Authorities also. Thereafter the petition for proceedings under Section 4 of Haryana Public Premises Act was, filed before the competent Court of Law/Collector, Sirsa (within whose jurisdiction the premises is situated) seeing the eviction of the persons from the lands encroached upon by them.*
5. *That on filing of the above said petition, the notice shown to have been issued for 06.07.2021, then for 3.9.2021 and then on 30.9.2021 & now the said petition is pending consideration on 28.10.2021 for filing the reply by the respondents. After service*

of notice, further proceedings will be carried out by the Court of Collector, Sirsa.”

A perusal of the above affidavit would indicate that 16 people have been found to be in illegal occupation of the land belonging to the Agriculture & Farmer Welfare Department, Sirsa for which proceedings under Section 4 of Haryana Public Premises Act (for short 'Act') have been initiated. It has also been mentioned that the notice was issued for 6th July, 2021 and thereafter three dates have been given for filing reply.

Keeping in view the facts and circumstances of the case, we do not want to proceed any further in the present writ petition except for directing the Court where the proceedings under Section 4 of the Act have been initiated, to conclude the proceedings within a period of nine months from today.

Disposed of in the above-said terms.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th NOVEMBER, 2021
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>