

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP-8781-2021

Date of Decision : April 23, 2021

Kewal Khan

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kuldeep Singh, Advocate, for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that respondents No. 6 and 7 are raising construction on the land belonging to the Gram Panchayat and the construction is being raised at Gair Mumkin Toba.

Learned counsel for the petitioner submits that as per the judgment of the Hon'ble Supreme Court of India in **Jagpal Singh and others versus State of Punjab and others, (2011) SCC 396**, no construction can be made by anyone on the land which has been described as Gair Mumkin Toba. Learned counsel for the petitioner further submits that the petitioner as well as other residents of the village have already raised the grievance qua the illegal activities of respondents No. 6 and 7 but no action is being taken by the authorities to stop an illegal construction, which is being done by respondents No. 6 and 7.

Learned counsel for the petitioner submits that for the grievance which has been raised in the present writ petition, the petitioner

alongwith other residents have already filed a representation dated 07.04.2021 (Annexure P-5) before the Deputy Commissioner, Fatehgarh Sahib, which is still pending consideration with the said authority and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.4 to decide the said representation by passing an appropriate speaking order.

Notice of motion.

Ms. Sunint Kaur, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondents and raises no objection for deciding the representation of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation dated 07.04.2021 (Annexure P-5), the present writ petition is disposed of with a direction to respondent No.4 to decide the said representation within a period of three months from the receipt of copy of this order.

Before passing the speaking order, respondent No.4 will give due opportunity of hearing to respondents No.6 and 7 as well to present their case.

April 23, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No