

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

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Civil Writ Petition No.11516 of 2021
Date of Decision: September 14th, 2021

Gram Panchayat Bajrur

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Yuv Raj Saini, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 02.07.2021, the first order was passed by this Court with a direction to the respondents followed by a detailed order dated 09.08.2021.

Counsel for the Gram Panchayat-petitioner had, on the said date, informed the Court that the possession has been restored with the assistance of the SHO of the area as well as the Block Development and Panchayat Officer and the boundary wall has also been constructed around the land in question, which has been re-encroached by the respondents. A further order as passed, reads as follows:-

“We are satisfied as far as the aspect of handing over of the possession by the official respondents in pursuance of the order passed by this Court on 02.07.2021 is concerned. However, an assurance from the respondents with regard to the factum that such type of encroachments, if any, occurring in future would be responded to forthwith as in the facts and circumstances of the present case, there has been repeated requests from the Gram Panchayat and even respectables of the village with regard to the re-encroachment upon the land, which

was earlier evicted and handed over to the Gram Panchayat, led to no action on their part, forcing the Gram Panchayat to approach this Court and thereafter for an order to be passed by this court.

Let a comprehensive affidavit in this regard be filed by the Director, Rural Development and Panchayats and the Secretary, Department of Revenue, Punjab, by giving details with regard to the action proposed/taken to cover up the said contingencies within a period of four weeks.

*List on **14.09.2021.**”*

In pursuance to the said order, an affidavit dated 13.09.2021 of the Director, Department of Rural Development and Panchayat, Punjab, has been filed, where in paras 3 to 5, it is stated as follows:-

*“3. That the District Development and Panchayat Officer, Rupnagar has further intimated that he has written to Senior Superintendent of Police Rupnagar to book the culprits who have re-encroached upon the panchayat property. A copy of the letter written to Senior Superintendent of Police, Rupnagar is annexed as **Annexure R-2.***

4. That so far as the proposed action to cover up such contingency in future is concerned, it is proposed as under:-

(i) That wherever the possession is restored by the revenue authorities, the same should be immediately entered in the roznamcha by the concerned revenue official.

(ii) That in cases where the total area possession has been restored, the same should be covered by putting proper fencing around its boundaries.

(iii) That the gram panchayat on the information of any encroachment will pass a resolution against the illegal encroacher for taking legal action against them and send the copy to the field authorities of Department of Rural Development and Panchayats and the district administration.

(iv) That on the identification of gram panchayat by way of resolution, the police authorities shall register

the case against the illegal encroachers in accordance with law.

(v) That the Deputy Commissioner should make a team comprising the officers from police, revenue and panchayat department, so that no communication gap should be existed.

5. *That in this regard, the Principal Secretary, Department of Home Affairs and Justice has been requested to issue instructions to all SSP's in the State of Punjab that the complaints regarding encroachment on the panchayat land by the elected representatives of gram panchayats, District Development and Panchayat Officers and Block Development and Panchayat Officers should be dealt swiftly and requisite criminal cases against such illegal encroacher should be registered at the police station in accordance with law. A copy of this letter is annexed as **Annexure R-3.***

In the light of the above, we dispose of the present writ petition with an observation that the proposals, which have been put forth by the Director, Department of Rural Development and Panchayat, Punjab, shall be strictly adhered to and complied with by the concerned so that such like position as in the present case, where after the passing of the eviction order, the land was handed over to the Gram Panchayat, which has been re-encroached and on complaints having been submitted by not only the Gram Panchayat but the respectables of the village, no steps were taken for handing over the possession back by the authorities.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 14th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No