

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

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CWP-9259-2021 (O&M)

Date of decision: 17.08.2021

PALWINDER KAUR

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Nagar, Advocate for
Mr. Kanwar P. Singh, Advocate for the petitioner.
Ms. Kanica Sachdeva, AAG, Punjab.
Mr. Vivek Chauhan, Advocate for respondent No.8.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition, the petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to remove respondent No.8 from the office of Sarpanch of the Gram Panchayat, Jasraur, Block Chogawan, Tehsil Ajnala, District Amritsar.

From the record, it is apparent that pursuant to the direction issued in CWP No.3416 of 2020, the Director, Rural Development and Panchayat Department, has passed a detailed order after seeking report from the revenue officials. The operative part of the order passed on 31.03.2021 is extracted as under:-

Regarding this, Naib Tehsildar Lopoke was asked to send a report regarding ownership of Khasra No.108/25(8-0) via letter dated 12.03.2021. Naib Tehsildar, Lopoke has sent a report dated 12.03.2021 vide letter dated 12.03.2021 which is as follows:-

1. According to report of Patwari concerned, the record of Khasra No.108/25 (8-0) was perused, according to file record of 1963-64, the Khasra No.108/25 (8-0) is entered into Central Government refugee cultivation column. This land had been transferred after mutation No.3912 dated 20.09.2000, on 14.12.2020 in the name of Balbir Singh s/o Manohar Singh s/o Natha Singh. This khasra number has no concern with panchayat.

2. The report of Patwari and according to record, Khasra no.108/25 (8-0) earlier belong to resettlement department of Punjab as such via separate conveyance deed, it was purchased by him. The gram panchayat Jasraur has no concern with this khasra number. Therefore, the report of Naib Tehsildar is being sent to you and it is requested that the representation/complaint may be closed and record be kept in the office.

According to report above, khasra No.108/25 (8-0) earlier belong to re-settlement department of Punjab was purchased by him via separate conveyance deed under Package Deed Act, 1976. Hence, due to fact that the gram panchayat Jasraur has no concern with this khasra number, the Block Development and Panchayat Officer has recommended the same.

According to file, documents and report sent by Block Development and Panchayat Officer Punjab, the allegation of being in illegal possession of the Shamlat land stands not proved. Therefore, the complaint/representation against Balbir Singh Sarpanch Gram Panchayat Jasraur, is hereby closed.

With this order, in compliance of the order passed by Hon'ble Punjab and Haryana High Court Chandigarh in CWP No.3416 of 2020, the representation dated 16.12.2019 is decided/disposed off.

Learned counsel representing the petitioner contends that in fact, respondent No.8 still continues to be in the illegal possession of the land belonging to the Central Government. She further contends that since respondent No.8 is guilty of illegally occupying the government land, therefore, he is liable to be removed from the office of Sarpanch.

Learned Director, after seeking report from the revenue officials,

the absence of any definite material to the contrary, the Writ Court does not consider it appropriate to record any finding at variance with the order of the Director. In view thereof, the petitioner, if so advised, may avail the alternative remedy.

Disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

17.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE