

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

108

(PROCEEDINGS THROUGH V.C.)

CWP-11549-2021

DATE OF DECISION: JULY 12, 2021

BALWAN SINGH AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA & ORS

....Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.

Mr. Pankaj Kaushik, Advocate,
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 02.07.2021, following order was passed:-

“ Learned counsel for the petitioners has stated that the petitioners are not in possession of even an inch of khasra No.1621 (0-10) bearing khewat No.37 min, khatoni No.591 min, which the Gram Panchayat alleges belongs to the Gram Panchayat, which aspect also is disputed by the petitioners in the light of the fact that the said land as per the admitted position and as per the jamabandi for the year 2002-03

(Annexure P-7) is a gair mumkin bara, which does not vest in the Gram Panchayat. In any case, he asserts that in case the petitioners are found in possession of an inch in the above-mentioned khasra number, the present writ petition as well as the revision petition before the Divisional Commissioner, Karnal Division, Karnal, be dismissed.

Mr. Raman Sharma, Additional Advocate General, Haryana, who is present in Court, is directed to get the demarcation of land comprising khasra No.1621 (0-10) bearing khewat No.37 min, khatoni No.591 min on 07.07.2021, when not only the petitioners but respondent No.5 may also be invited to participate in the demarcation.

It is made clear that in case of any of these parties not appearing, the competent authority shall proceed to carry out the demarcation and submit the report to this Court on 09.07.2021.

List for consideration on 12.07.2021.”

In pursuance of the said order, demarcation has been got carried out by the Tehsildar, Karnal on 07.07.2021. According to the demarcation, which has been carried out, the assertion, as made by counsel for the petitioners, has been found to be correct and they have not been found to be in illegal possession of the Gram Panchayat land.

Learned counsel for respondent No.5 states that he has not been associated with the demarcation process. We do not accept the submission of counsel for respondent No.5 as though the petition was preferred by Satbir Singh, respondent No.5, but encroachment was alleged to be on the

Gram Panchayat's land, which, on demarcation, has been found to be not correct.

In the light of the above, the present petition is allowed and the impugned orders dated 13.01.2021 and 31.05.2021 (Annexures P-3 and P-4 respectively) are hereby set-aside.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**July 12, 2021
khurmi**

**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No