

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

207

CWP-11650-2021 (O&M)

Date of decision: 20.07.2021

GRAM PANCHAYAT VILLAGE MAND TALWANDI KUKA

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Parambir Singh, Advocate for the petitioner.
Ms. Sunint Kaur, AAG, Punjab.
Mr. Vivek Thakur, Advocate for respondent No.11.

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 Gram Panchayat prays for issuance of an appropriate direction to respondent No.3 to render all possible help to complete the development work of digging a water tank and installation of a tubewell on a panchayat land.

On 05.07.2021, the following order was passed:-

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

The Gram Panchayat of Village Mand Talwandi Kuka has filed this writ petition under Article 226/227 of the Constitution of India, seeking issuance of a writ in the nature of Mandamus to direct the respondents to allow them to complete the digging of the tubewell in shamlat deh land comprised in khasra no. 13//7/1/(6-13). It is

alleged that the police authorities in collusion with certain influential persons are pressurizing the elected office bearers to hand over the possession of the land to Lakhbir Singh s/o Bhagat Singh (respondent no.11).

Ms. Sunint Kaur, AAG, Punjab, enters appearance on behalf of the State of Punjab – respondents no. 1 to 10 and prays for a short adjournment.

Adjourned to 12.07.2021.

At this stage, no notice needs to be issued to respondent no.11.

The Senior Superintendent of Police, Kapurthala and the Director, Department of Rural Development and Panachayat, Punjab, shall file response after verifying the correct facts before the next date of hearing.

On 12.07.2021, when the case came up for hearing, learned counsel representing the petitioner made a statement that no development work is being permitted due to pressure exerted by the official respondents. Ms. Sunint Kaur, AAG, Punjab, prayed for an adjournment to take specific instructions.

On 19.07.2021, she again sought time. In the meantime, written statement has been filed by the Financial Commissioner, Department of Rural Development and Panchayat, Punjab, to the effect that the work is in progress without any hinderance and steps would be taken to ensure its completion within time.

On the other hand, the Assistant Superintendent of Police, Sub Division Bholath, District Kapurthala, has taken a stand that the work is smoothly in progress and if there is any disturbance, necessary action will be taken as per law.

Today the learned State counsel has informed the Court that she has herself spoken to the Assistant Superintendent of Police as well as the Financial Commissioner who have assured that the work is not only in progress but nearing completion.

A separate written statement has been filed by respondent no.11 claiming that the Gram Panchayat has encroached upon his land.

Keeping in view the stand taken by the official respondents, no further order is required to be passed. The official respondents would remain bound by the stand taken in the Court. The private respondent(s) shall be at liberty to initiate proceedings claiming the possession of the land after establishing his/their right, title or interest in the property.

With these observations, the writ petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

20.07.2021
ashok

(ANIL KSHETARPAL)
JUDGE

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