

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Writ Petition No. 12421 of 2021**

**Date of Decision: 06.08.2021**

Gram Panchayat, Village Naushera, Block Verka, Tehsil and District  
Amritsar

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Balbir Singh Jaiswal, Advocate  
for the petitioner(s).

Ms. Kanica Sachdeva, Assistant Advocate General,  
Punjab, for respondent No. 1 to 6.

**Anil Kshetarpal, J.**

1. The Petitioner, before this Court, is a Gram Panchayat of village Naushera, Block Verka, Tehsil and District Amritsar. The petitioner claims that the private respondent No. 8 and 9 have encroached upon a street.

2. Through this writ petition, the petitioner prays for issuance of a direction to the official respondents to deploy sufficient police force for getting the illegal encroachment removed. The petitioner claims that during demarcation of the land, it was found that the private respondents have unauthorisedly encroached upon the public street.

3. As per Section 2(g) of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the 1961 Act”), the street is included within the definition of “*Shamlat Deh*”. As per section 7 of the

entitled to pass an order for putting the Gram Panchayat in possession of the *Shamlat Deh* land. The proceedings under Section 7 of the 1961 Act envisages the summary proceedings after granting an opportunity of hearing to the alleged unauthorised occupants. Such alleged unauthorised occupants are entitled to prove that their possession is not illegal or unauthorized.

4. Since the petitioner can avail an efficacious alternative remedy available under section 7 of the 1961 Act, therefore, there is no ground to exercise the extraordinary writ jurisdiction under Article 226 of the Constitution of India and hence, the petitioner is relegated to the alternative remedy.

5. With the observations made above, the present petition is disposed of.

**(Anil Kshetarpal)**  
**Judge**

**August 06, 2021**  
**“DK”**

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