

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

**108
(PROCEEDINGS THROUGH V.C.)**

**CWP-13132-2021
DATE OF DECISION: JULY 20, 2021**

Davinder Kumar and another

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

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

**Present: Mr. Yogesh Kumar Aneja, Advocate,
for the petitioners.**

**Mr. Avinit Avasthi, AAG, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court, highlighting a grievance that while passing order dated 19.04.2021 (Annexure P-8), the Director, Village Development and Panchayat, Punjab, has sought for a fresh self-evident report, ignoring the earlier demarcation report, which has been submitted by the competent authority, pointing out therein encroachment on the part of Jagdish Ram, Sarpanch, Gram Panchayat Banwala Hanwanta, Tehsil and District Fazilka. Instead of initiating action against the said person, the matter is being delayed on one pretext or the

other just to help said Jagdish Ram-respondent No.8. He, therefore, contends that by passing this impugned order dated 19.04.2021 (Annexure P-8), another effort has been made by the Director, Village Development and Panchayat, Punjab, to delay the matter, especially when there is no time bound direction given for submission of self evident report. Prayer has, thus, been made for setting-aside the said impugned order.

We have considered the submissions made by counsel for the petitioners and with his assistance have gone through the pleadings and the documents, which have been placed on record.

Although there is report with regard to the demarcation and thereafter the subsequent recommendations by the subordinate authorities to the Director, Village Development and Panchayat, Punjab, but it is the Director, who should be satisfied before initiating action, which cannot be questioned at this stage. It is in pursuance thereof that the Director had proceeded to pass the order dated 19.04.2021 (Annexure P-8) qua which we do not find any ground for interference except for there being no time limit fixed for submission of such a report as called for from the District Development and Panchayat Officer, Fazilka-respondent No.4.

In the light of the above, we direct that the District Development and Panchayat Officer, Fazilka-respondent No.4 shall submit the report as called for vide order dated 19.04.2021 (Annexure P-8) by the Director within a period of three weeks from the date of receipt of copy of this order. The report so submitted shall be taken note of and dealt with in accordance with law by the Director. In case, action is required to be taken, the same be initiated within a period of three weeks from the date of receipt of report from the District Development and Panchayat Officer, Fazilka by

the Director.

Copy of this order passed by this Court be sent to Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, through e-mail, for conveying the same to the concerned quarter(s).

With the above observations/directions, this writ petition stands disposed of.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**July 20, 2021
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**(ASHOK KUMAR VERMA)
JUDGE**

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