

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
112**

CWP-16012-2021 (O&M)

Date of decision: 21.12.2021

MAN SINGH

..PETITIONER

Vs.

STATE OF HARYANA AND ORS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL***

Present: Mr. Jai Singh Yadav, Advocate,
for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana,
for the State.

Mr. Ram Darshan Yadav, Advocate,
for respondent No. 5.

AUGUSTINE GEORGE MASIH, J.(ORAL)

In compliance with the order passed by this Court on 26.11.2021, final report has been submitted.

As per the report, now the needful has been done except for the persons who have either got the stay order in their favour from the appellate authority as per the statutory remedy or have obtained stay order from this Court. Rest of the land, which was under encroachment, has been handed over to the competent authority.

Learned counsel for the petitioner states that in the light of the above, the present petition, for now, has been rendered infructuous. His

apprehension is that in future, the same position may not happen and the encroachments may not be there again.

If that be so, it would be open to the petitioner to bring the said fact to the notice of the Assistant Collector Ist Grade, Rewari, who shall, thereafter, ensure that there is no re-encroachment upon the land, from where the encroachers have been evicted.

A perusal of the impugned order dated 05.02.2021 (Annexure P-8) would show that in all the earlier reports, which have been submitted not once but on more than one occasion by the Naib Tehsildar, Rewari on the basis of the inspection of the spot in the execution application which was preferred by the petitioner, it was stated by him that there is no unlawful occupation, which factum, as stated by the Naib Tehsildar, Rewari, has been found to be incorrect.

This is a fit case where departmental proceedings should be initiated against the Naib Tehsildar. Cost of ₹50,000/- is also imposed upon the said officer to be recovered from his salary in three equal easy installments. The departmental proceedings initiated against the Naib Tehsildar, Rewari shall be concluded within a period of three months from today.

Intimation with regard to the completion of departmental enquiry and the decision taken be submitted to the Registry of this Court within a further period of four weeks.

Amount of ₹50,000/-, which was deposited by the petitioner in pursuance to the order dated 25.08.2021 passed by this Court, is ordered to be refunded to the petitioner on an application to be submitted by him before the competent authority of this Court.

The present writ petition as well as the pending applications stand disposed of accordingly.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(SANDEEP MOUDGIL)
JUDGE**

December 21, 2021

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No