

CWP-18061 of 2021

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

CWP-18061 of 2021
Date of Decision: 14.10.2021

Harvinder Singh and others

...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. Nandan Jindal, Advocate,
for the petitioners.

Ms. Anju Arora, Addl. A.G., Punjab.

Mr. Dhirinder Kamal Saldi, Advocate,
for respondent No.6.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the orders passed by this Court on 13.09.2021 and on 29.09.2021, status report by way of affidavit of Deputy Commissioner, Patiala, dated 09.10.2021 has been filed in Court. In para 5 of the said affidavit it has been stated that on receipt of notice a committee was constituted of the Sub-Divisional Magistrate, Patiala, Tehsildar, Patiala, and Block Development and Panchayat Officer, Patiala, to remove the encroachments. The committee proceeded to do the needful from the land in question, including removal of the bricks from the said area. In para 5, 8 and 9 it has been stated as follows: -

“5. That on receipt of notice of the above noted petition, the deponent constituted a committee of the following members vide letter No.Endst.No.3288-3290 dated

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01.02.2021 and directed the Committee to remove the encroachment within the period of 03 days i.e. 04.10.2021 in compliance to the orders passed by this Hon'ble Court: -

i. Sub Divisional Magistrate, Patiala

(Chairman)

ii. Tehsildar, Patiala

(Member)

*iii. Block Development and
Panchayat Officer, Patiala*

(Member)

8. That it is further submitted that the Gram Panchayat Bathoi Khurd vide resolution dated 30.04.2020 recommended to the Block Development & Panchayat Officer, Patiala for allotment of 5-5 Marla each to 163 beneficiaries. But when the case was presented before the scrutiny committee, it was found that the land to be distributed to the beneficiaries was under mortgage and non-encumbrance certificate was not attached with the proposal, therefore, no decision could be taken for allotment of said land to the beneficiaries and remained under consideration in the office of Block Development & Panchayat Officer, Patiala.

9. That on getting non-encumbrance certificate from the respective bank/financial institution, action will be taken for allotment of plots to the beneficiaries according to law.”

In the light of the above, the encroachment of the land in question stands removed which fact is not disputed by the counsel for the petitioners as well. The matter having been for now taken care of, we dispose of the same by observing that allotment, if any, of the plots under the Scheme of Allotment of Plot to the Scheduled Castes and Other Poor Houseless Families for Constructing Houses dated 17.04.2001 (Annexure P-

1) as modified vide policy dated 23.12.2011 (Annexure P-2) and the norms

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fixed therein be strictly adhered to. No allotment shall be made without following the said procedure failing which proceedings for non-compliance of the order passed by this Court may be initiated against the erring officials.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 14, 2021
R.S.

(ASHOK KUMAR VERMA)
JUDGE

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