

CWP No.20238 of 2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20238 of 2021 (O&M)

Date of decision : 23.11.2021

Rajender

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'B;E MR JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Raman K. Sharma, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-17430-CWP-2021

Prayer in this application is for exemption from filing certified/typed copies of demarcation report dated 22.10.2021, application dated 22.10.2021, demarcation report dated 12/13/11.2021, letter dated 28.10.2021, reply dated 30.10.2021, application dated 19.11.2021 and application dated 25.10.2021 and placing the same on record as Annexures P-12 to P-18.

For the reasons stated in the application, the same is allowed.
Copies of demarcation report dated 22.10.2021, application dated 22.10.2021, demarcation report dated 12/13/11.2021, letter dated 28.10.2021, reply dated 30.10.2021, application dated 19.11.2021 and

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application dated 25.10.2021 are taken on record as Annexures P-12 to P-18, subject to all just exceptions.

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When the case came up for hearing before this Court on 05.10.2021, following order was passed:-

“Learned counsel for the petitioner submits that the only grievance of the petitioner is that despite he having requested for fresh demarcation before the Ist Appellate Court on the date fixed for hearing, instead of accepting the prayer, the said authority declined the stay application.

Counsel contends that the petitioner is ready and willing to pay for the expenses for demarcation and in case the petitioner is found to be in illegal possession of any Gram Panchayat land, he would, without questioning, hand over the vacant possession of the said area.

In the light of the statement made by counsel for the petitioner, which is based on pleadings as mentioned in Para 15 of the writ petition, we accept the prayer of counsel for the petitioner and direct the Deputy Commissioner, Jind-respondent No.2 to get the necessary demarcation carried out through the Total Station Survey Machine within a period of 15 days from today.

In case the demarcation report finds that the petitioner is in illegal possession of any Gram Panchayat land, as per his statement and undertaking given by the counsel, the vacant possession of the said land be handed over to the Gram Panchayat within a period of three weeks from the date of demarcation.

List for consideration on 23.11.2021.

Status-quo on the land in question be maintained

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till the demarcation is carried out.

Mr.Vikram Singh, Advocate, counsel for the petitioner, undertakes to supply complete paper book to counsel for the State during the course of the day.

In pursuance to the above order dated 05.10.2021, demarcation has been carried out and as per the demarcation report dated 12/13.11.2021 (Annexure P-12 to P-14), it has been found that the petitioner is in illegal possession of 152 square yards of Gram Panchayat's land. It has further been found that the Gram Panchayat is in illegal possession of 215 square yards of land.

In the light of the report referred to above and the order dated 05.10.2021, petitioner was required to hand-over the vacant possession of the land to the Gram Panchayat, which, admittedly, the petitioner has not done so far.

In view of the above, we order the eviction of the petitioner from 152 square yards of land which is in illegal possession of the petitioner and in case there is some illegal construction found thereon, the same shall be demolished within a period of one week from today.

The writ petition stands dismissed of with the above observations and directions.

(AUGUSTINE GEORGE MASHI)
JUDGE

23.11.2021
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No