

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

125

CWP-25659-2021 (O&M)

Date of decision: 16.12.2021

GURDIAL

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. KS Dadwal, Advocate for the petitioner.

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of mandamus for issuance of directions to the respondents to decide representation dated 25.10.2021 and to take a suitable action for removal of the encroachment. The petitioner also prays for removal of respondent No.6 from the office of Sarpanch.

After having heard the learned counsel for the petitioner, this Court is of the considered view that it will not be appropriate to adjudicate the controversy involved in the present case. The question of encroachment of panchayat land or not, is a question of fact which is required to be proved by leading sufficient evidence. As regards the allegation that the Sarpanch has misused his office, the same can be looked into by the authorities under the Punjab Panchayati Raj Act, 1994.

Keeping in view the aforesaid facts, the writ petition is disposed of with liberty to the petitioner to file an appropriate petition before the Director or the Additional Chief Secretary, Department of Rural Development and Panchayat, Punjab.

All the pending miscellaneous application(s), if any, are also disposed of.

16.12.2021

ashok

(ANIL KSHETARPAL)

JUDGE