

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

**CWP-3426-2022**

**Date of Decision:** October 11, 2022

**KRISHAN KUMAR AND ANOTHER**

..... Petitioners

**Versus**

**COMMISSIONER GURUGRAM DIVISION AND ORS**

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Ms.PratibhaYadav, Advocate for the petitioners.

Mr. Raman Sharma, Addl. AG, Haryana.

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**LISA GILL, J.**

Prayer in this writ petition is for setting aside order dated 28.12.2018 (Annexure P6) passed by the Assistant Collector First Grade-cum-Chief Executive Officer, Narnaul whereby ejectment of the petitioners from Gram Panchayat land has been ordered on an application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 as applicable to the State of Haryana (for short – ‘PVCL Act’), filed by the respondent – Gram Panchayat, order dated 05.03.2020 (Annexure P8) passed by the learned Collector, Mahendergarh as well as order dated 26.11.2021 (Annexure P9) passed by the learned Commissioner, Gurugram. It is further prayed that as the petitioners are ready to pay the price of the land assessed, the same be transferred to them in accordance with law.

It is pointed out that petitioners had submitted that they are ready and willing for fresh demarcation with the Global Differential Positioning System to be carried out and bear the costs of the same and in case they are found to be in illegal possession, they would remove the encroachment themselves.

Pursuant thereto, demarcation of the area in dispute was ordered on 16.05.2022 by the Co-ordinate Bench with costs thereof to be incurred by the petitioners. It was further ordered that in case, the petitioners are found in illegal possession of land owned by the Gram Panchayat, they would hand over vacant possession thereof within a period of ten (10) days, and in case, the area is not vacated by the petitioners within the stipulated period, encroachment shall be cleared by the authorities concerned with compliance report being submitted before this Court.

As per compliance report dated 29.07.2022, petitioners were found to be in illegal possession over the panchayat land bearing khasra No. 73, Gair Mumkin Firni. It is further reported that when demarcation of the area was carried out, 27 other persons were found to be in illegal possession over the panchayat land bearing khasra No. 73 Gair Mumkin Firni.

The matter was adjourned to enable learned counsel for the State to seek instructions as to whether proceedings for ejectment against 27 persons stated to be in illegal possession have been initiated. Affidavit dated 10.10.2022 giving details of action taken against 27 persons has been filed in Court today. Same is taken on record subject to just exceptions.

It is to be noted that possession of the land in question has admittedly been handed over by the petitioners.

Learned counsel for the State points out that Petition No. 378/VCL/DDPO under Section 7 of the PVCL Act has been filed for ejectment of persons in illegal encroachment of Gram Panchayat land and the same is listed for 02.12.2022. It is submitted that the said petition shall be pursued with due diligence and matter decided expeditiously in accordance with law.

Keeping in view the facts and circumstances as above, no ground for interference and setting aside of impugned orders dated 28.12.2018, 05.03.2020 and 26.11.2021 is made out. However, it is directed that competent authority shall decide the pending petition under Section 7 of the PVCL Act filed against 27 persons, stated to be in illegal encroachment, expeditiously and preferably within six months in accordance with law after affording due opportunity of hearing to all affected parties.

Present writ petition is disposed of accordingly.

**(LISA GILL)**  
**JUDGE**

**October 11, 2022**

Rts

**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No