

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

CWP-5235-2020

Date of Decision: December 21, 2022

JASWINDERSINGH

..... Petitioner

VERSUS

THE DEPUTY COMMISSIONER AMBALA & ORS Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: None for the petitioner.

Mr. Raman Sharma, Addl.AG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for directing official respondents to take action for removal of illegal encroachment on Government passage/rasta as described in the writ petition.

Petitioner, in this case, complained of illegal encroachment on the passage adjoining his fields while approaching from Sohana road. A complaint, it is stated, was submitted before the BDPO, Barara with the assertion that some people of village Hema Majra (the village of which the petitioner is a resident) and village Sohana while dismantling '*Gohar*' have included this land into their fields due which the passage from village Hema Majra to Sohana has become narrow. Removal of unauthorized encroachment was sought. Sapranch of the village Hema Majra vide communication dated 20.12.2018 (Annexure P5) informed the petitioner that the passage in question, where unauthorized and illegal possession/ encroachment is complained of, falls in the land of village Sohana. Petitioner avers that due to this reason, he is unable to file

petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021 (for short – ‘1961 Act’)] as the petitioner is a resident of village Hema Majra and not Sohana and that no action was being taken in this regard by the Gram Panchayat Sohana.

Learned counsel for the State, on instructions from Mr. Sanjay Tank, BDPO, Barara, District Ambala, submits that request for demarcation of the area has been forwarded on 09.12.2022 to Tehsildar, Barara. Demarcation of the area shall be carried out within four weeks and in case, any encroachment is found, necessary action shall be initiated within the next two weeks itself.

It is noticed that none had appeared on behalf of the petitioner on the last date of hearing. Today again, despite the matter being called twice, there is no representation on behalf of the petitioner.

However, keeping in view the facts and circumstances as above and specific stand of the respondent – State, we do not find any justification for continuation of the present proceedings. Let necessary demarcation of the area in question be carried out, positively within four weeks and in case any encroachment is found thereon, necessary action be taken for removal of the same in accordance with law.

Writ petition is disposed of, accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 21, 2022

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