

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

**CWP-4602-2022
DECIDED ON: 23.05.2022**

SUNEET AND ANR.

.....PETITIONERS

VERSUS

DIVISIONAL COMMISSIONER AND ORS.

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl. A.G. Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court on 17.03.2022, status report by way of an affidavit of Block Development and Panchayat Officer, Block Beri, District Jhajjar stands filed, wherein it has been stated that the demarcation has been carried out in accordance with the directions issued by this Court. In para 3, the names of the persons, who have been found to have encroached upon the Gram Panchayat land and to the extent of encroachments stands mentioned, which reads as follows:-

*“3. That in the demarcation it was found that
Sh. Devender s/o Uday Singh area measuring 5 sq. yards,
Sh. Parkash s/o Kalli Ram 51 sq. yards, Sh. Gujje Singh
s/o kalli ram 68 sq. yards, Sh. Chandra s/o Udami 60 sq.
yards, Sh. Ram Nivash s/o Udami 69 sq. yards,*

Sh. Rajroop s/o Diwan 43 sq. yards have encroachment on the Khasra no.324(Rasta), which is shown in the computer printed Map, which is part of demarcation report (Annexure R-1).”

Counsel for the State, on specific instructions from Ms. Lalita Verma, DDPO, Jhajjar, Mr. Umed Singh, BDPO Beri and Mr. Manoj Kumar, Tehsildar Beri, has stated that none of the petitioners have been found to have encroached upon the Gram Panchayat land. She further states on instructions that in case any encroachment is found, notices under Section 24 of the Punjab Village Common Lands (Regulation) Act, 1961 shall be issued to the persons, who have been found to have encroached upon the Gram Panchayat land, within a period of three days from today.

In case the encroachments are not removed within a period of 15 days from today, appropriate proceedings under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 shall be initiated within a further period of two weeks.

In the light of the above, we accept the prayer made in this writ petition and set aside the impugned order dated 06.08.2019 (Annexure P-8) and order dated 11.10.2021 (Annexure P-10) passed by the Assistant Collector, Ist Grade, Jhajjar as also the Divisional Commissioner, Rohtak, respectively which have been passed on the assumption that the petitioners were encroachers and were in illegal possession of the Gram Panchayat land, which has been found to be not correct as per the demarcation report carried out in pursuance to the order passed by this Court.

Respondents shall be bound by the statement made to the Court
by the counsel for the State on their specific instructions.

The appeal stands disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

23.05.2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>