

CWP No.4720 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4720 of 2022

Date of decision : 25.04.2022

Vinod Kumar & another

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

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

Present: Mr. Rajesh Duhan, Advocate
for the petitioners.

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court highlighting the aspect that encroachments having been made by the private respondents are persisting on the land and no efforts have been made by the official respondents for removal of the encroachments. This writ petition, with these averments, was filed on 03.03.2022.

In pursuance thereto, the Court had called for the status report as to what action has been taken in the light of the demarcation which was carried out on 05.02.2021 by the Naib Tehsildar, Sub Tehsil Dhand, wherein encroachments were found in Khasra No.131.

In pursuance to the said order, status report by way of affidavit

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of the Block Development and Panchayat Officer, Dhand, District Kaithal, dated 20.04.2022, has been filed, wherein it has been stated as follows:-

“3. That the demarcation of Gram Panchayat Bandrana land comprised in Khasra no.131 was done on 05.02.2021 and 13 persons were found in unauthorized possession of the land in question and one Dharampal son of Ram Kishan resident of village Bandrana Sub Tehsil Dhan, district Kaithal filed an application before the Court of Assistance Collector 1st Grade Kaithal under section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 for eviction of 13 unauthorized occupants on 12.08.2021 which is pending before the Court and fixed for hearing on 04.05.2022.

4. that Mr. Dharmpal has also filed suit for permanent injunction vide CS 1174 of 2021 titled Dharampal versus Ramkaran etc before the Court of learned Civil Judge, Kaithal, the same is also pending and fixed for hearing on 14.07.2022.

5. That the eviction proceedings are pending before the competent Court. As and when the eviction order will be passed, the deponent undertakes to take immediate steps to get the possession vacated from the unauthorized occupants and to put the gram Panchayat in possession of the land in dispute.”

In view of the above, it is apparent that the proceedings have already been initiated against the respondents for removal of illegal occupation of the land. Therefore, no action at the end of the Court, at this stage, is called for except for directing the Competent Authority to finalize the proceedings pending before the Assistant Collector 1st Grade, Kaithal, under Section 7 of the Punjab Village Common Lands (Regulation) Act,

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1961, to be completed within a period of seven months from the date already fixed.

Now coming to the conduct of the petitioners who have approached this Court without verifying the true facts with regard to the action having been initiated for eviction of the persons who have been found to be in illegal possession of the Gram Panchayat land in pursuance to the demarcation report dated 05.02.2021 (Annexure P-5). The writ petition has been filed in the most casual and routine manner as if it is not the responsibility of the petitioners to verify as to whether any such proceeding for removal of the encroachments has been initiated or not? The exercise and the effort on the part of the petitioners is merely to settle scores with the private respondents with an intention to harass them.

This act on the part of the petitioners is nothing less than wasting the time of the Court and unnecessarily approaching the Court without taking due course of action and carrying out the necessary ground work before approaching the Court. The explanation which has been put forth by the counsel for the petitioners is that the petitioners are co-villagers and did not come to know about the initiation of such proceedings. This explanation as has been sought to be projected by the counsel for the petitioners is unacceptable and unbelievable as well, as it is a known fact that in the village-sides, such proceedings, if initiated, are known to everyone especially when it is on behalf of the Gram Panchayat.

The present writ petition being misuse of process of law and with an intention to harass the private respondents as well as official respondents, the same is dismissed with costs of ₹50,000/- to be deposited

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with Poor Patients' Welfare Fund, PGIMER, Chandigarh, within a period of three weeks.

In case the receipt, after the deposit of the said amount, is not submitted in the Registry within a period of four weeks from today, the matter be brought to the notice of the Court for further action against the petitioners.

(AUGUSTINE GEORGE MASIH)
JUDGE

25.04.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

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