

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

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Civil Writ Petition No.7387 of 2022
Date of Decision: May 23rd, 2022

Gurdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court on 05.05.2022, affidavit-cum-compliance report dated 23.05.2022 of the Block Development and Panchayat Officer, Mukerian, District Hoshiarpur, has been filed in Court today, which is taken on record.

In paras 2 to 6, it has been stated as follows:-

- “2. That the petitioner in his petition has asserted that Darshan Singh s/o Bela Singh who was the sarpanch of the village had encroached by raising construction on land reserved for Gair Mumkin Dher comprised in Khasra No.12/22/5, 12//22/6, 12//22/7, 12/22/8 and 12//22/9.
3. That in fact the aforesaid land was encroached upon by one Manmeet Singh s/o Rajinder Singh (4 Marla) and Ashwani Kumar son of Rulia Ram (1 Marla) in connivance with the Sarpanch Darshan Singh who has now been expired.
4. That in compliance to the aforesaid orders, it is submitted that the deponent alongwith the police assistance went to the disputed site and removed the

illegal encroachment with the help of JCB Machine from the site comprised in Khasra No.12//22/5, 12//22/6, 12//22/7, 12//22/8 and 12//22/9 and the same has been certified by the Gram Panchayat in its resolution dated 21.05.2022. In this regard, the Gram Panchayat has also certified that the encroachment on the panchayat land (Gair Mumkin Dher) made by some persons has been removed successfully by the administration on 21.05.2022.

5. *That in this regard, the photographs which were taken by the team of deponent clearly shows that the illegal encroachment has been removed from the panchayati land. Copies of these photographs are attached as Annexure R-1 (Colly).*
6. *That the deponent has also recommended disciplinary action u/s 20 of Punjab Panchayati Raj Act, 1994 to the Director, Rural Development and Panchayats against Manmeet Singh and Ashwani Kumar who are Panch of Gram Panchayat Atalgarh, Block Mukerian, District Hoshiarpur.”*

Learned counsel for the respondents, in the light of the above, contends that as far as the assertions of the petitioner with regard to the encroachment in his legal notice, the said encroachment stands removed. He further states that disciplinary proceedings under Section 20 of the Punjab Panchayati Raj Act, 1994 have been initiated by the Director, Rural Development and Panchayats against two of the Panches namely Manmeet Singh and Ashwani Kumar. Appropriate orders in accordance with law will be passed against them within a period of two months.

Learned counsel for the petitioner points out that apart from this, in Annexure P-5 which is the representation submitted by the petitioner, reference has also been made to *khasra* numbers 22/12 and

The said *khasra* numbers be also looked into by the competent authority and in case encroachment is found therein, appropriate action be taken for removal thereof.

Learned counsel, on instructions from Mr. Kulwant Singh, Block Development and Panchayat Officer, Mukerian, states that the said aspect will also be looked into and in case the assertion of the petitioner is found to be correct, the encroachments thereon shall also be removed within a period of six weeks.

The present petition is disposed of in above terms.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 23rd, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No