

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

**CM-14455-CWP-2022 in/and
CWP-8333-2022**

Date of Decision: December 13, 2022

Om Parkash

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr.S.S. Momi, Advocate for the petitioners.

Mr. Amit Aggarwal, DAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for directing the official respondents to evict all illegal occupants from the Gram Panchayat land described as *Gair Mumkin Johar*.

It is stated that no action whatsoever had been taken by the official respondents despite being aware of illegal encroachment over the Gram Panchayat land. Order dated 25.04.2022 was passed in this writ petition directing status report to be filed with regard to assertions as made in the present writ petition and also to inform regarding the action, which may have been taken on legal notice dated 28.07.2021 served by the petitioner upon the respondents pursuant to information supplied to him on 27.04.2021 under the Right to Information Act. It was further directed that if need be fresh demarcation of the area be carried out and after identifying the

encroachments, proceedings be initiated for removal of the same in accordance with law.

Status report dated 28.09.2022 by Block Development and Panchayat Officer as Administrator of Block Kaithal, Village Nauch, has been filed wherein it is stated that demarcation of Gram Panchayat land comprised in Khasra No. 271 was carried out on 18.08.2022, wherein 99 persons were found to have encroached upon the Gram Panchayat land. A table of the said 99 persons alongwith the area under their illegal encroachment has been given in this report. It is further stated that ejectment proceedings 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’)] have been initiated before the Court of learned Assistant Collector First Grade, Kaithal for eviction of all 99 unauthorised occupants and the matter is now pending before the learned Assistant Collector First Grade.

Learned counsel for the State submits that keeping in view the above said, this writ petition is rendered infructuous. Learned counsel for the State assures that necessary steps for removal of illegal encroachment over the Gram Panchayat land shall be taken and petition under section 7 of the 1961 Act shall be pursued in the right earnest.

Learned counsel for the petitioner is unable to deny that this writ petition is indeed rendered infructuous. However, he states that in Status Report dated 28.09.2022 filed by the Deputy Superintendent of Police,

Kaithal pursuant to filing of CM-14455-CWP-2022 by the petitioners

seeking protection of life and liberty, it is incorrectly stated in para 10 thereof that petitioner does not wish to seek any action in respect to the injuries as are recorded in the MLR in question. Be that as it may, we do not find it necessary or expedient to enter adjudication on this matter, at this stage, in the present proceedings. In case, petitioner seeks to proceed with the matter, he is at liberty to avail the remedy/remedies as are available to him in accordance with law.

In view of the above, present writ petition is disposed of as rendered infructuous. However, learned Assistant Collector First Grade, Kaithal is directed to decide the petition(s) under Section 7 of the 1961 Act against all 99 unauthorised occupants, expeditiously and definitely within four months from the next date fixed in the matter, in accordance with law after affording due opportunity to all concerned.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

December 13, 2022
rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No