

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

CWP-8795-2022

Date of decision : 19.05.2022

Ram Kumar

.....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Ms. Vaishali Kamboj, Advocate
for the petitioner.

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court dated 11.05.2022, costs of Rs.20,000/- as imposed stands deposited and the receipt thereof dated 16.05.2022, has been placed on record.

Paras 3 and 4 of the affidavit dated 13.05.2022, filed by Block Development and Panchayat Officer, Kunjpura District Karnal, reads as follows:-

3. That at the very outset, it is submitted that the petitioner has filed the present petition before this Hon'ble High Court, with the prayer to direct the respondents to evict the unauthorised occupants from the land of the Gram Panchayat, reserved for Pond comprised in Khasra No.177. The petitioner has moved an application to the Tehsildar, Karnal for demarcation of the Khasra No.177, on which the revenue officials demarcated the same through DGPS as per rules, in which some of the inhabitants have been found to be in illegal and unauthorised possession of the Khasra No.177. The bare perusal of the demarcation reveals that 69 encroachments of 56 persons including the petition were found on the pond land. The figure of the properties and the encroachers does not tally because some of

the encroachers have been shown double or triple places, in the demarcation report (Annexure P-3), such as at Sr. No.16-A, 17-A, 17-B, 18-A, 19-A, 19-B, 20-A, 21-A, 36-A (9 places are double) and besides this the name of some of encroachers shown at Sr. No.8, 31, 51 and 56 have also been shown double at Sr. No.6, 25, 49 & 44, in the demarcation report (4 persons have been shown at double places) and thus $56+9+4=69$, which clearly tally with the demarcation report of 69 encroachments. The above fact clearly shows that no person is being left by the Gram Panchayat, whose name has been mentioned in the demarcation report dated 16.11.2021 Annexure P-3. The Gram Panchayat has already filed a petition under Section 7(2) of the Punjab Village Common Lands Act 1994 against the encroachers, in the Court of Assistant Collector, Ist Grade-Cum-District Development and Panchayat Officer, Karnal on 02.02.2022 and the said petition is now further fixed for 23.05.2022 for notice to the respondents. A copy of the petitioner under Section 7(2) of Punjab Village Common Lands Act, is being attached herewith as Annexure R-1.

- 4. That the Gram Panchayat has already initiated the proceedings for ejectment of the encroachers from the Pond land and appropriate necessary action shall be taken against the encroachers, immediately on passing of the ejectment orders against them.*

In the light of the above order, when the proceedings have been initiated against the encroachers, the present writ petition has been rendered infructuous.

The present writ petition is disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

May 19th, 2022

ps-I

Whether speaking/reasoned :

Whether Reportable :

(SANDEEP MOUDGIL)

JUDGE

Yes

Yes

No

No