

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

CWP-9096-2022

Date of Decision: September 01, 2022

DILBAG CHAND

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Dr. Govinder Singh Brar, Advocate for the petitioner.

Mr. Sandeep Jain, Addl. AG, Punjab.

LISA GILL, J.

This petition has been filed seeking direction to the official respondents to take steps for taking over vacant possession of Panchayat land comprising Khewat No. 42, Khatauni No. 67, 68, 70, 71, 72, 73, 74, Rect. No. 10, Khasra No. 10/2, 3, 4, 6/1, 10/7-8/1/2 as per jamabandi for the year 2002-03 situated in village Hayatpur, Tehsil Samrala, District Ludhiana and to implement decision dated 04.02.2016 (Annexure P2).

It is submitted that petitioner is a retired Ex-Army personnel and that despite passing of order dated 04.02.2016 in the petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 filed by the Gram Panchayat, Hayatpura Block Machhiwara, Tehsil Samrala, District Ludhiana, no steps are being taken for taking over possession of Panchayat land, which is in illegal possession of encroachers.

Affidavit dated 14.07.2022 of Mr. Amardeep Singh, Block

Development and Panchayat Officer, Machhiwara, stands filed wherein it is

stated that warrant of possession was executed and encroachment over the entire vacant land was removed. It is pointed out that petitioner was also in illegal occupation of 5 marlas of land over which he had sown some crops. Possession thereof had been handed over by the petitioner. Residential houses are stated to have been raised on some portion of the land, in respect to which Gram Sabha of village Hayatpura passed resolution dated 18.10.2019 wherein it was decided that ownership rights may be given to families, who have been residing in village for the last 40-50 years and had constructed residential houses and in lieu thereof, Gram Panchayat would receive the rate fixed. It is further submitted that petitioner is still in illegal occupation of three marlas of land, where a temple has been constructed. These material facts are stated to have been concealed by the petitioner while filing this writ petition. It is submitted that final decision regarding conveyance of ownership right to the persons, who have raised construction by way of residential houses as well as regarding the area over which temple has been constructed, is pending final decision.

In this view of the matter, no further orders are called for in this writ petition.

Writ petition is disposed of with a direction to competent authority to decide the matter regarding conveyance of ownership rights as stated above, after giving due opportunity of hearing to all concerned/affected parties in an expeditious manner and positively within three months.

(LISA GILL)
JUDGE

September 01, 2022

Rts

Whether speaking/reasoned: Yes/No

(HARSH BUNGER)
JUDGE

Whether reportable: Yes/No