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

CWP-10487-2022

Date of Decision: 29.08.2022

Mahavir Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Mr. Sandeep Jain, Additional A.G., Punjab.

LISA GILL J. (ORAL)

Prayer in this writ petition is for directing official respondents to execute order dated 19.09.2019 (Annexure P-5) passed by respondent No.3, whereby petition under Section 3, 4 and 5 of Punjab Public Premises and Land (Eviction & Rent Recovery) Act, 1973, filed by respondent-Gram Panchayat was allowed and eviction of Dharampal and Bira Ram sons of Babu Ram resident of village Samrala, Block Gharota, District Pathankot, from Gram Panchayat land was ordered.

It is pleaded in the writ petition that despite passing of order dated 19.09.2019 (Annexure P-5) by respondent No.3, the same having attained finality, no steps have been taken for taking over possession of Gram Panchayat land from respondents No.7 and 8.

Coordinate Bench of this Court on 21.07.2022, directed learned counsel for the State to seek instructions as to why order dated 19.09.2019

(Annexure P-5) had not been given effect to. Compliance report was directed to be filed.

Pursuant thereto Status Report by way of affidavit dated 18.07.2022 of Ms. Neeru Bala, Block Development and Panchayat Officer, Gharota, District Pathankot, was filed, wherein it is stated that copy of warrants of possession dated 19.11.2019 were sent to the revenue authorities on 22.01.2020 for doing the needful, however before any action could be initiated, lock-down was enforced due to outbreak of pandemic COVID-19. Possession of land in dispute is stated to have been taken on 14.09.2020 and handed over to Gram Panchayat Samrala, Block Gharota. Respondent no.7 along with respondent no.8, his brother, are stated to have again illegally occupied the abovesaid Panchayat land in the month of May 2022, on which Gram Panchayat Samrala, Block Gharota, passed resolution dated 10.05.2022 and request was made to the Block Development and Panchayat Officer, Gharota for taking necessary action. It is stated that the concerned police authorities did not take any action to remove the illegal encroachment.

Consequent thereto, vide order dated 21.07.2022, Coordinate Bench of this Court directed the Senior Superintendent of Police, Pathankot to look into the matter and take appropriate necessary steps against the erring officers who had not provided the requisite force for removal of encroachments from the Gram Panchayat land despite warrants of possession having been issued by the competent authority. It was further directed that proper police help be ensured by the Senior Superintendent of Police, Pathankot for removal of encroachment within one week with compliance report being filed thereafter.

Compliance report by way of affidavit, dated 26.08.2022, of Senior Superintendent of Police, District Pathankot, has been filed in Court today. Same is taken on record subject to just exceptions. Copy thereof is supplied to learned counsel for the petitioner.

Learned State counsel in view of the above said affidavit dated 26.08.2022 submits that the entire encroachment in question has been removed and possession of the land in question has been handed over to respondent No.6/Gram Panchayat.

Learned counsel for the petitioner verifies and affirms the aforementioned while submitting that debris is however still lying on the spot. At the same time learned counsel for the petitioner is unable to deny that present petition is indeed rendered infructuous. Insofar as the question of debris lying on the spot is concerned, it is for respondent No.6/Gram Panchayat to take necessary action for removal thereof. Steps be taken by respondent No.6/Gram Panchayat within a period of one week from the date of receipt of certified copy of this order. The authorities shall ensure that no re-encroachment be carried out by the private respondents or any other person on account of debris lying at the spot.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

29.08.2022
s.khan

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |