

**(219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15416-2019

Date of Decision: 23.11.2022

Rajinder Kumar Meghwal

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

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

Present: Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana, for
respondents No.1 to 7.

Mr. J.S. Rana, Advocate for respondent No.8

LISA GILL, J.

Prayer in this writ petition is for directing the official respondents to implement and execute order dated 23.07.2018 (Annexure P-12) passed by Deputy Commissioner, Bhiwani i.e. respondent No.4 and to restore the 'Gair Mumkin Johar' by demolishing/removing the construction and encroachments by way of shops and public toilets on the Gair Mumkin Johar land.

Learned counsel for the petitioner is unable to deny that CWP No.4007 of 2015, earlier filed by the petitioner alongwith others, was dismissed on 09.03.2015 with the following observations:-

“It appears that the instant writ petition has been filed with some oblique motive. If any body is encroaching upon the Gair Mumkin Johars vesting in the Gram Panchayat, a complete mechanism has been provided under the Act to prevent and remove illegal encroachments on the land vested in the Gram Panchayat. At no point of time, the petitioners had invoked the said jurisdiction at all under the Act. Even if a lease has been granted by the Gram Panchayat, the same could have been got set aside by moving necessary application under Section 10-A of the Act. This remedy has also not been availed. At this stage, when some construction has been

raised by the State Government after taking permission from the Gram Panchayat, the instant writ petition cannot be entertained under Article 226 of the Constitution of India for demolition of such kind of construction.”

Though, it is submitted that subsequent writ petition bearing CWP No.2429 of 2018 filed by the petitioner was disposed of on 05.02.2018 with a direction to the respondents to consider and decide his representation attached as Annexure P-7 therein and order dated 23.07.2018 (Annexure P-12) was passed thereafter, it is not denied that petitioner has not availed of any remedy available to him in accordance with law.

Faced with the same, learned counsel for the petitioner seeks to withdraw this writ petition with liberty to the petitioner to avail the remedy/remedies as available in accordance with law.

Writ petition is accordingly dismissed with liberty as aforementioned.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

23.11.2022
Anjal

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No