

116 (2 cases)

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

**CWP-15099-2022 (O&M)
Date of Decision: 23.08.2022**

HOSHIYAR SINGH Petitioner(s)
Versus
STATE OF HARYANA AND OTHERS Respondent(s)

CWP-17748-2022 (O&M)

BUDH RAM Petitioner(s)
Versus
STATE OF HARYANA AND OTHERS Respondent(s)

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

Present: Mr. Mukesh Yadav, Advocate
for the petitioner in CWP-15099-2022.

Mr. Sandeep Kumar Yadav, Advocate
for the petitioner in CWP-17748-2022.

Mr. Raman Sharma, Addl. AG, Haryana.

LISA GILL, J.

This order shall dispose of CWP-15099-2020 and CWP-17748-2022 as both the writ petitions arise out of common order dated 29.04.2019, passed by the Assistant Collector First Grade, Kanina.

Prayer in CWP-15099-2022 is for issuance of directions to the respondents to remove illegal encroachment from the public passage in terms of order dated 29.04.2019, passed by the Assistant Collector First Grade, Kanina. CWP- 17748-2022 has been filed by petitioner Budh Ram against whom order dated 29.04.2019 has been passed, seeking a direction to respondent no.2 to decide the statutory appeal filed by him in a time bound manner and not to carry out demolition pending appeal.

It was held vide order dated 29.04.2019 that petitioner Budh Ram along with 33 other persons are in illegal possession of Gram Panchayat land having encroached upon Khasra No.110 by constructing permanent (Pakka) houses, boundary wall, tin shed etc. Their eviction has been ordered. Learned counsel for the petitioner in CWP-17748-2022 submits that appeal filed by petitioner is pending adjudication and in case residential house of petitioner on the small portion of land allotted to landless persons by the Government itself is demolished during pendency thereof, his appeal would be rendered infructuous.

During the course of hearing, it is submitted on behalf of the petitioner that learned counsel representing petitioner Budh Ram before the Appellate Authority would address arguments in the appeal without insisting upon service upon unserved respondents, who are in any case proforma respondents, being the other persons against whom order dated 29.04.2019 was passed. Petitioner - Budh Ram claims to be in possession of 151 square yards plot on the basis of allotment made by the Government itself.

In the given factual matrix, remedy of appeal filed by the petitioner would indeed be rendered infructuous in case demolition of petitioner's residential house is carried out during pendency of appeal filed by him. Keeping in view the facts and circumstances of the case, it is directed that appeal filed by the petitioner be decided expeditiously and definitely within three months from the next date of hearing before the Appellate Authority i.e. 30.08.2022. Till then, operation of order dated 29.04.2019 be kept in abeyance. In case, there has been partial compliance of order dated 29.04.2019, passing of this order shall not vest any of the concerned persons with a right to re-erect any kind of construction over the

property in dispute or repossess the same.

CWP-15099-2022 (O&M) and
CWP-17748-2022 (O&M)

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Both the writ petitions are disposed of accordingly.

(LISA GILL)
JUDGE

23.08.2022
Sunil

(HARSH BUNGER)
JUDGE

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