

103+213

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

**CWP-17886-2021 (O&M)
Date of Decision: 08.09.2022**

Baljit Singh Nayak

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Ms. Molly A.Lakhanpal, Advocate
for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

Mr. Shailender Singh Gill, Advocate
for the applicants (in CM-1003-CWP-2022).

LISA GILL J. (ORAL)

Prayer in this writ petition is for directing the respondents to take prompt action for eviction of all the persons who have illegally encroached upon Panchayat/common land of Village Bhana Brahamanan, District Jind, Haryana.

Learned counsel for the State while referring to Reply dated 08.02.2022 to CM-13949-CWP-2021 of Mr. Surender Singh, Block Development and Panchayat Officer, Narwana, District Jind filed on behalf of respondents No.4, 5 and 7, submits that this writ petition is rendered

infructuous as necessary action has already been taken for removal of illegal

encroachments. He further submits that in respect to encroachments upon Rect. No.131/108 and Rect. No.169, demarcation was carried out on 01.07.2014. Petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (as applicable to the State of Haryana) (for short 'the Act') were filed on 11.05.2016 and eviction of 25 persons was ordered on 06.09.2021. It is informed that all these 25 persons have filed appeals challenging order dated 06.09.2021 passed by the Assistant Collector, First Grade Narwana, which are still pending adjudication on 30.09.2022. It is further informed that said persons have also filed a Civil Suit bearing No.CS-818 of 2021, wherein *status quo* has been directed to be maintained.

Learned counsel for the State further points out that demarcation of the entire area in question was again conducted on 28.04.2021 and additional 30 persons were found to have encroached upon both the abovesaid Rect. Numbers. Petitions under Section 7 of the Act have been filed against the said persons and are pending adjudication.

Learned counsel for the petitioner at this stage submits that proceedings should be concluded in an expeditious manner and illegal encroachments should be removed.

Keeping in view facts and circumstances, it is directed that all pending appeals be decided by the concerned authorities within two months from the date fixed, i.e. 30.09.2022, and all pending petitions filed under Section 7 of the Act be decided by the concerned authorities within three months from today, after affording opportunity of hearing to all concerned/affected parties.

It is further directed that the concerned Block Development and Panchayat Officer and District Development and Panchayat Officer shall

take necessary steps to ensure that no further encroachment is carried out in the area in question and for this purpose, regular and periodic inspection shall be conducted. Necessary safeguards/preventive measures against possible encroachments including erecting of barbed wire fencing, display of notice boards containing statutory warnings etc. be taken.

It is made clear that in case of lapse or inaction in this regard, the concerned Block Development and Panchayat Officer and District Development and Panchayat Officer would be held responsible and accountable.

Writ petition is disposed of accordingly. However it be put up on 12.12.2022 only for filing of Status Report with regard to the pending petitions/appeals as well as steps taken towards preventive measures/safeguards. It also be specified whether any fresh encroachments have come up after the last demarcation on 28.04.2021.

Copy of this order be conveyed to the concerned Block Development and Panchayat Officer and District Development and Panchayat Officer.

(LISA GILL)
JUDGE

08.09.2022
Apurva

(HARSH BUNGER)
JUDGE

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