

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 17045 of 2020 (O&M)

Date of Decision:16.11.2022

Balwinder Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. K.S.Kang, Sr. DAG., Punjab.

Mr. AP Kaushal, Advocate
for Mr. RKS Brar, Advocate
for respondent no.5.

LISA GILL, J(Oral).

Mr. Rakesh Sobti, Advocate, appears on behalf of the petitioner and submits that the earlier counsel who had filed this writ petition has now gone abroad. Power of attorney filed on behalf of the petitioner in Court today, is taken on record subject to just exceptions.

Prayer in this writ petition is for a direction to official respondents no.1 to 5 to remove the illegal encroachment/unauthorized occupation of Shamilat land of village Sado Majra Navi Abadi, District Fatehgarh Sahib by private respondents no.6 to 43. There is a further prayer for direction to the respondents to decide representations dated 12.02.2020 and 01.10.2020, Annexure P-8 submitted by the petitioner.

Learned counsel for the petitioner submits that large scale encroachment had been carried out over the Shamilat Deh land of village

Sado Majra Navi Abadi. Statement of learned counsel for the State that as the Gram Panchayat was not taking requisite action for eviction of encroachers, necessary steps would be taken for appointment of an Administrator, who would undertake required steps for eviction and removal of illegal encroachments, is recorded in order dated 10.12.2020 passed in this writ petition. Administrator was accordingly appointed vide order dated 18.12.2020 passed by the Block Development and Panchayat Officer, for the purpose of instituting proceedings for removal of the illegal possession, for appointment of Advocates etc., and to take all necessary steps as required for the purpose.

Learned counsel for the respondent-State, on instructions from Mr. Bhagwan Singh, Panchayat Officer, informs that 48 petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short '1961 Act') were filed and 55 petitions under Section 11 of the 1961 Act have been preferred by the persons in possession. Further proceedings in the petitions filed under Section 7 of the 1961 Act have been stayed by the Collector on 18.05.2022 in the proceedings under Section 11 of the Act. Learned counsel further submits that said proceedings u/s 7 and 11 of the 1961 Act, would continue to be pursued and taken care of by the Administrator, who would necessarily be an official of the department.

In respect to order dated 18.01.2018, Annexure P-6, passed in petition under Section 7 of the 1961 Act, ordering ejectment of the respondents therein, learned counsel for the petitioner pleads no instructions as to whether any appeal etc., or petition under Section 11 of the P.V.C.L. Act, have been filed by the said respondents.

Learned counsel for the respondent-State is also unable to verify the same.

Keeping in view the facts and circumstances as above, we do not find any ground whatsoever for continuation of the present proceedings. However, it is directed that the petitions under Section 11 of the 1961 Act which are stated to be pending for recording of evidence of the petitioners therein, be disposed of by the learned Collector, within a period of four months of receipt of certified copy of this order after affording due and proper opportunity to all the concerned/affected parties. Needless to say, petition under Section 7 of the Act, would be taken up thereafter and decided in accordance with law within the next two months.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

November 16, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.