

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

CWP-17646-2022

Date of Decision: 23.11.2022

RAMAUTAR

..... 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. Ajay Jain, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

LISA GILL, J.

Learned counsel for the petitioner submits that petition under Section 7 the Punjab Village Common Lands (Regulation) Act, 1961 [now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021] (hereinafter referred to as the '1961 Act') had been filed by the present petitioner and respondent no.10, seeking ejectment of persons stated to be in illegal occupation of Gram Panchayat land. Said petition was allowed by respondent no.4-the Assistant Collector, 1st Grade-cum-District Development and Panchayat Officer, Rewari on 30.11.2006. Appeal was filed challenging the said order and respondent no.3-the Deputy Commissioner-cum-Collector, Rewari, vide order dated 25.05.2007 remanded the matter to the the Assistant Collector, 1st Grade, Rewari with a direction to carry out spot inspection of the disputed passage/Rasta and thereafter pass a fresh order. Said order dated 25.05.2007 was challenged

by respondents no.7 to 9. However, respondent no.2-the Commissioner, Gurgaon Division, Gurgaon vide order dated 28.08.2008 again remanded the matter to the Assistant Collector, 1st Grade, Rewari with a direction to carry out the spot inspection himself. Ultimately, the Assistant Collector, 1st Grade, Rewari on 26.04.2011, directed ejectment of respondents no.7 to 9 from the land in question. In the appeals filed by the petitioner as well as respondents no.7 to 9, Deputy Commissioner-cum-Collector, Rewari, vide impugned order dated 25.01.2012 (Annexure P-1) again remanded the matter to the Assistant Collector, 1st Grade, Rewari with a direction to get the disputed passage/Rasta measured from the Tehsildar, Rewari, as per instructions issued by the Financial Commissioner. It was further directed that spot inspection should be carried out by the said Officer in the presence of both the parties and thereafter a speaking order be passed afresh.

Grievance raised by the petitioner is that despite the specific directions as contained in impugned order dated 25.01.2012, demarcation of the area is not being carried out and necessary order is not being passed.

As per Compliance/Status report by way of affidavit dated 17.11.2022 of Mr. Pradeep Deswal, Tehsildar, Rewari, demarcation of the area has been carried out on 22.09.2022 with the help of DGPS machine, in the presence of respectable persons of village including the petitioner and private respondents and that copy of the Demarcation Report dated 22.09.2022 (attached as Annexure R-5/2), has been forwarded to the Assistant Collector 1st Grade, Rewari. It is stated the matter is pending adjudication before the said Officer.

Keeping in view the facts and circumstances as above, but

without any expression of opinion on the merits of the controversy, this writ petition is disposed of with a direction to the Assistant Collector 1st Grade, Rewari to finally conclude the matter in compliance of order dated 25.01.2012, expeditiously and definitely within a period of three months from receipt of certified copy of this order, in accordance with law after affording proper opportunity to all concerned.

Writ petition is accordingly disposed of in the aforesaid terms.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

23.11.2022

Sunil

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