

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19117 of 2022(O&M)

Date of Decision:23.12.2022

Karnail Singh

.....Petitioner

Versus

Director Rural Development and Panchayat Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. R.K.Chauhan, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for directing respondents no.1 to 4 to remove illegal encroachment carried out by respondents no. 5 to 9 allegedly in connivance with respondent no.4 on the *Shamilat* land as described in the writ petition.

Reply by way of affidavit dated 16.12.2022 of Mr. Dharam Pal, Block Development and Panchayat Officer, Mahilpur, District Hoshiarpur, has been filed, wherein it is stated as under:-

“2. That in this regard it is submitted that the answering respondent no.3 has got the demarcation of the Panchayat land got done from the revenue authorities. After establishing the panchayat land situated in khasra nos. 24-25, the demarcation has been got done and it has been found that Karam Singh (present respondent no.5) son of Puran Singh is in illegal possession of 2x93.5 feet area on the East-North corner of Khasra no. 24, which is sown in red colour. Darshan Singh son of Jagga Singh is illegal possession over 4 x 66 area on East-South corner of Khasra no. 25, which is shown in yellow

colour. Gurcharan Singh (present respondent no.7) son of Rattan Singh is found in illegal possession over 10 x 8 Karams on West-South corner of Khasra no. 25, which is shown in blue colour Darshan Singh is in illegal possession over 4 x 33 feet land of khasra no. 25 and Joginder Singh (present respondent no.6) son of Puran Singh is in illegal possession on Western side of Khasra no. 25, which are shown with sky-blue colour. It has also been reported that the remaining numbers with respect to Khasra no. 26, no such possession is observed and as Revenue Records it is shown as Gram Panchayat (shamlat land) is annexed herewith as Annexure R-3/1, in of Panchayat land are not under illegal possession. True translated copy of the said demarcation report dated 19.10.2022 along with the site plan drawn at the spot by the revenue authorities is attached with as Annexure R-3/2.

3. That in pursuance to the above stated demarcation report dated 19.10.2022 (Annexure R-3/1), the Gram panchayat has filed eviction petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, against the illegal occupants of the panchayat land before the competent authority. True copy of the petition dated 16.11.2022 under Section 7 of the Act, 1961, is attached herewith as Annexure R-3/3. It is submitted that the illegal encroachments over the Panchayat land would be removed by following the due process of law.”

In respect to the prayer raised in this writ petition for taking action against the Sarpanch, Gram Panchayat Jaitpur, it is stated that inquiry was conducted into the allegations leveled against him and they were found to be incorrect as per Inquiry Report dated 07.12.2022, by Sub Divisional Officer (PR), Hoshiarpur.

Learned counsel for the petitioner submits that in view of the specific action having been taken with the filing of petition under Section 7 of the Punjab Village Common Lands (Regulation) Act 1961 Act (for short

‘the 1961 Act), present writ petition is rendered infructuous. However, learned counsel petitioner submits that reply on behalf of respondents no. 1 to 3, does not indicate whether any action has been taken in respect to the encroachment carried out by respondents no.5 and 6 over the Taur of the Gram Panchayat.

Keeping in view the facts and circumstances as above, we do not find any requirement for continuance of the present proceedings. However, it is directed that respondent no.2-District Development and Panchayat Officer, Hoshiarpur, shall personally ensure that necessary steps are taken to find out whether there is any encroachment by respondents no.5 and 6 over the Taur as alleged in the writ petition and in case, the area has not been included in the petition under Section 7 of the 1961 Act, against the said respondents, needful be done for inclusion of the said area as well. This exercise be completed by respondent no.2 within the next three (03) weeks. Further, competent authority before whom the petition under Section 7 of the 1961 Act, is pending shall take all necessary steps for decision in accordance with law after affording due opportunity of hearing to all concerned expeditiously and preferably within the next four (04) months.

It is clarified that there is no expression of opinion on the merits of the matter.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 23, 2022.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.