

**(232) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-19125-2022

Date of Decision: 12.12.2022

Bahadar Singh and others

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Ravish Bansal, Advocate for the petitioners.

Mr. K.S. Kang, Senior D.A.G., Punjab.

Mr. Vijay Kumar Chaudhary, Advocate for
respondent No.5-Gram Panchayat.

Mr. Nirmaljeet Singh Sidhu, Advocate for respondents
No. 6 to 12.

LISA GILL, J.

Petitioners have filed this writ petition seeking a direction to respondents No.1 to 5 to consider and decide petitioners' representation dated 24.12.2021 (Annexure P-1) expeditiously and to remove alleged illegal encroachment over a public passage connecting phirni of village Doad, Tehsil Jaitu, District Faridkot with State Highway No.43/Bajakhana-Barnala Road passing through Khasra Nos.2135 and 2139 of village Doad, as described in the writ petition.

It is asserted that illegal encroachment has been carried out on the passage by respondents No. 6 to 12 and illegal construction has been raised over the said land and no action whatsoever is being taken by the authorities for removal thereof.

Learned counsel for the State while referring to Status Report dated 30.11.2022, filed on behalf of respondents No. 1 to 4 submits that this writ

petition is rendered infructuous as after conducting demarcation of the area and considering demarcation report dated 07.11.2022, petition under Section 7 of Punjab Village Common Lands (Regulation), Act, 1961 (hereinafter referred to as 'the 1961 Act') has been filed for removal of encroachment on land belonging to Gram Panchayat measuring 18 marlas comprising in Khasra No.2136(0-18), which is stated to have been encroached upon by the Gurudwara.

Learned counsel for the State, on instructions from Mr. Abhinav Goyal, BDPO, Jaitu, submits that the petition under Section 7 of the 1961 Act has been filed against the Management Committee of the Gurudwara, of which respondents No. 6 to 12 are members.

Learned counsel for respondent No.5-Gram Panchayat submits that the matter shall be pursued in right earnest and there shall be no effort whatsoever to delay the proceeding which are now fixed for 15.12.2022 in any manner.

Keeping in view the facts and circumstances as above, this writ petition is disposed of with a direction to the competent authority to decide the petition under Section 7 of the 1961 Act, expeditiously and definitely within a period of four (04) months from the date fixed before it now i.e.15.12.2022 in accordance with law and after affording due opportunity to all concerned.

It is clarified that there is no expression of opinion on the merits of the controversy regarding encroachment.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

12.12.2022

Anjal

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No