

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

CWP-23146-2019

Date of Decision: November 17, 2022

Surinder Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. C.M. Munjal, Advocate for the petitioner.

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

Mr. Vivek Chauhan, Advocate for respondent No. 3.

LISA GILL, J.

Prayer in this writ petition is for setting aside notice dated 13.06.2019 issued by the Block Development and Panchayat Officer to the petitioner for eviction from Gram Panchayat land reflected to be pond/*chhappar*.

Learned counsel for the petitioner submits that petitioner is the owner of his residential house in khasra No. 229/6 and has nothing to do with encroachment, if any, upon khasra No. 149/2. It is, further, submitted that notice dated 13.06.2019 has been issued in an illegal manner, purportedly pursuant to order dated 20.03.2019 passed in CWP-PIL-57-2019. Said writ petition, it is submitted, filed in public interest for removal of encroachment on the village pond, was disposed of without

commenting upon the merits of the said case with a direction to respondent – authorities to decide the representation submitted by the petitioner therein for removal of encroachment over the village pond on khasra No. 149/2. It is pointed out that it is specifically observed in order dated 20.03.2019 that authorities shall pass an appropriate order in this regard, in accordance with law after affording an opportunity of hearing to all the stakeholders. Without issuance of any kind of notice whatsoever, the authorities, it is contended, have decided on their own that petitioner has carried out illegal encroachment over the pond area and directed removal thereof by him in terms of notice dated 13.06.2019. Hence aggrieved, present writ petition was filed.

Notice of motion was issued in this case with dispossession of the petitioner being stayed.

Learned counsel for the State, on instructions from Sh. Guljeet Singh, Tax Collector, BDPO office Khuian Sarwar, submits that during the pendency of this writ petition, petition under Section 7 of the Punjab Village Common Lands (Regulation) Act (for short – ‘PVCL Act’) has been filed seeking eviction of the petitioner. The same is pending adjudication before the Collector-cum-DDPO, Fazilka and that necessary action will be taken in this regard after final decision of this petition, therefore, this writ petition is rendered infructuous.

Keeping in view the facts and circumstances as above, it is apparent that this petition is indeed rendered infructuous. Writ petition is disposed of, accordingly. However, it is directed that petition under

Section 7 of the PVCL Act stated to have been filed by the respondent –

Gram Panchayat, be decided expeditiously and preferably within three months from the date now fixed before the competent authority, in accordance with law.

(LISA GILL)
JUDGE

November 17, 2022

rts

(RITU TAGORE)
JUDGE

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