

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

CWP-22934-2021

Date of decision : 17.02.2022

Sukhbir Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Satbir Gill, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana
for respondents No.1 to 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In pursuance to the order passed by this Court on 09.02.2022, cost of Rs.60,000/- as imposed stands deposited by the respondent-State with the High Court Legal Services Committee on 14.02.2022. Compliance report by way of affidavit of the Block Development and Panchayat Officer, Sirsa, dated 14.02.2022 has also been filed, wherein it has been stated that in pursuance to the order passed by this Court, Tehsildar, Sirsa had conducted the demarcation of the area i.e. Khasra No.198 of *phirni* of the village Sikandarpur between 27.01.2022 to 30.01.2022. The demarcation report has been placed on record as Annexure R-1. In pursuance to the said demarcation, it has been found that there are 57 persons who have encroached upon the outer *phirni* of the village. On the receipt of the said

report the Block Development and Panchayat Officer, Sirsa has issued notice under Section 24(1) of the Haryana Panchayati Raj Act through the Gram Sachiv to the persons who have been found to have encroached upon the *phirni*. Further in Para 4 of the compliance report, it has been stated as follows:-

'That the respondent No.4/Gram Panchayat Village Sikandarpur has already filed proceedings under the PVCL Act against Gurmail Singh, Pargat Singh, Avtar Singh, Charan Singh is registered as VCL case No.01 dated 16.12.2021 and is pending before Assistant Collector Ist Grade, Sirsa for 08.03.2022 in which notice has been issued to the respondents. In the demarcation conducted from 27.01.2022 to 30.01.2022 the encroachment of these persons has also been established besides various other. As submitted above, regarding rest of the encroachers, notices under Section 24 (1) of the Panchayati Raj Act have been issued on 08.02.2022 and on their failure to remove the encroachments proceedings under Section 7 of the VCL Act shall be initiated.'

Learned counsel for the State on the basis of the above affidavit contends that the compliance of the order passed by this Court has been made.

Mr. Nitish Bhatia, Advocate claims himself to be representing the persons who have been found to have encroached upon the *phirni* and raises objection with regard to the validity and correctness of the demarcation, which has been carried out. This stand of the counsel, who has appeared, is to be dealt with by the competent authority in case reply to the notice issued under Section 24(1) of the Act, is filed by them. In any case, it has specifically stated in the affidavit that in case no removal of

encroachment ultimately is carried out by the persons to whom the notices have been issued, proceedings under Section 7 of the Village Common Land (Regulation) Act shall be initiated. The respondents are, therefore, proceeding in accordance with law, which does not call for any adjudication at this stage, in this writ petition.

In view of the above, We dispose of the present writ petition by directing the respondents to proceed to decide the responses, if any, received from the 57 alleged persons within a period of 15 days from the expiry of the period of notice and file proceedings for their eviction in accordance of law within a further period of two weeks. The competent authority shall also make an endeavour to decide the said proceedings within a period of six months from the date of initiation of such proceedings.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 17th, 2022

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No