

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

CWP-21439-2022

Date of Decision: 12.10.2022

JASPAL SINGH AND OTHERS

..... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Jagraj Singh Khiva, Advocate
for the petitioners.

Mr. Sandeep Jain, Additional A.G. Punjab.

LISA GILL, J.

Prayer in this writ petition is for issuance of directions to the respondents to refrain from interfering in the allegedly peaceful settled possession of the petitioners upon land comprising Khewat No.119/116 Khatauni Numbers 376 and 426, on which the petitioners are stated to have constructed their residential houses with the remaining land under their continuous cultivating possession since more than 12 years prior to commencement of the Punjab Village Common Lands (Regulation) Act, 1961.

On the last date of hearing, it was submitted that petitioners are sought to be evicted in an arbitrary and illegal manner despite order dated 14.10.1981 passed by the then District Development and Panchayat Officer, Bathinda (Annexure P-4) on the basis of an announcement in the village on 26.08.2022 from the Gurdwara of the village.

Learned counsel for the State, on 19.09.2022 had informed on the basis of telephonic instructions from BDPO, Sardulgarh that no order of eviction has been passed against the petitioners.

In compliance of order dated 19.09.2022, status report by way of affidavit dated 12.10.2022 of Mr. Parmjit Singh, BDPO, Sardulgarh, on behalf of respondents no.1 to 3, has been filed in Court today, with a copy thereof to learned counsel for the petitioners. Same is taken on record, subject to just exceptions.

It is stated in affidavit dated 12.10.2022 that the announcement as alleged by petitioners was in fact for the purpose of encouraging people in unauthorised possession of Gram Panchayat land, to vacate the same voluntarily and in such eventuality, the said persons would be honoured. It is stated that no such announcement for taking over possession in a forceful manner and against the law or without following the due process of law has ever been made. It is further stated in the affidavit dated 12.10.2022, that in case any person or persons of the village are found in illegal possession of the Gram Panchayat land, legal proceedings shall be initiated against them and possession of the Gram Panchayat land will be taken in accordance with the law.

Learned counsel for the State submits that requisite action in accordance with law shall be taken against all persons who may be in illegal possession of the Gram Panchayat land and there is no question of any illegal ejectment of the petitioners *de hors* the provisions of law.

In this view of the matter, learned counsel for the petitioners is unable to deny that this writ petition is rendered infructuous.

Ordered accordingly.

It is clarified that there is no expression of opinion regarding the capacity in which petitioners are holding the land in question or their entitlement thereto, which shall be the subject matter of proceedings before the appropriate forum.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

12.10.2022
Sunil

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