

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
116 (PROCEEDINGS THROUGH V.C.)**

**CWP-23294-2021
WITH CM-747-CWP-2022**

Date of decision: 25.01.2022

LAKHBIR KAUR

..PETITIONER

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

***CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI***

Present: Mr. G.S.Randhawa, Advocate,
for Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J.(ORAL)

CM-747-CWP-2022

C.M. is allowed subject to just exceptions. Affidavit of the Deputy Commissioner, Gurdaspur-respondent No. 4 is taken on record along with Annexures R-1 to R-6.

CWP-23294-2021

Short reply by way of affidavit of the Director, Rural Development and Panchayats Department, Punjab, dated 24.01.2022 has been received in Court through e-mail which is taken on record.

On 20.12.2021, following order was passed:-

“ Petitioner has approached this Court with a grievance

that the land has been kept vacant under the consolidation scheme for the common purpose of inhabitants of the Gram Panchayat Village Qadian Gujran and was being used as passage, playground etc., where the children had no other place to play except the same, which has been encroached upon by Sukhjinder Singh @ Goldy-respondent No.9 who is the Lambardar of the village. Respondent No.9, with the help of his cousin brother, namely, Harpreet Singh @ Laddi, had even gone to the extent of constructing a boundary wall without the permission of the competent authority and has even cut trees from the said land. Petitioner had been approaching the respondents with the said grievance but without any response thereto.

In the light of the fact that respondent No.9, who is the Lambardar of the village, continues to be in illegal possession of the Gram Panchayat land, no action whatsoever either to remove the encroachment or his eviction has been initiated. Action for removal of respondent No.9 has also not been initiated. Representation of the petitioner dated 02.11.2021 (Annexure P-3) is also pending with the authorities without any response.

Learned counsel for the State of Punjab to seek instructions in the matter.

Learned counsel for the petitioner undertakes to supply a complete set of paper-book to learned State counsel during the course of the day.

Let an affidavit of the Director, Department of Panchayat and Rural Development Punjab-respondent No.2 as also the Deputy Commissioner Gurdaspur-respondent No.4 be filed within a period of threeweeks with an advance copy to the counsel for the petitioner.

List for consideration on 24.01.2022.”

In pursuance to the said order, replies of the Deputy Commissioner, Gurdaspur-respondent No. 4 as well as the Director, Rural Development and Panchayats Department, Punjab-respondent No. 2 have been filed.

A perusal of the same would indicate that eviction proceedings against Sukhjinder Singh @ Goldy-respondent No. 9, who is Lambardar of the village, have been initiated wherein the said respondent No. 9 has been restrained from carrying out any construction or using the land. In the said proceedings, the matter is continuing.

As regards the action to be taken against respondent No. 9, the affidavit of the Director, Rural Development and Panchayats Department, Punjab-respondent No. 2 indicates that the Deputy Commissioner, Gurdaspur-respondent No. 4 has initiated disciplinary proceedings against the said respondent and a show cause notice dated 21.01.2022 (Annexure R-2) has been issued to the said respondent. Reply has been sought within a period of 10 days .

In the light of the above, we are of the considered view that the action has been initiated against the respondents, firstly, for eviction and further departmentally also, proceedings have been initiated.

The present writ petition is disposed of with directions to the

Deputy Commissioner, Gurdaspur-respondent No. 4 to finalize the proceedings against respondent No. 9, the Lambardar of the village, within a period of three months from today.

The District Development and Panchayat Officer-respondent No. 5 shall make an endeavour to complete the eviction proceedings at the earliest and in any case, not beyond a period of seven months from today.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(JASJIT SINGH BEDI)
JUDGE**

**January 25, 2022
pj**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No