

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

**CWP-9807-2018 (O&M)
Date of Decision: 31.08.2022**

AVTAR SINGH
Versus

..... Petitioner(s)

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

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

Present: Mr. Karan Jund Mullapur, Advocate
for the petitioner.

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

Mr. C.L. Premy, Advocate and
Ms. Amarjit Kaur, Advocate
for respondents no.6, 7, 8, 10 and 11.

LISA GILL, J.

Prayer in this writ petition, filed by Sarpanch (since suspended) of Gram Panchayat village Daun, Tehsil and District SAS Nagar, Mohali, is for directing respondents no.3 to 5 to take immediate action to stop and remove illegal encroachment over the pond of Gram Panchayat existing near Phirni at village Daun, District SAS Nagar, Mohali. The encroachment, it is stated, is being carried out by respondent no.11 by filling the pond and raising illegal construction thereon. It is stated that petitioner earlier approached this Court by way of CWP-16854-2017 (Annexure P-10), which was disposed of vide order dated 01.08.2017 (Annexure P-10/A) with a direction to the DDPO, SAS Nagar Mohali as well as BDPO, SAS Nagar, Mohali to immediately look into the matter and if there is any merit in the petitioner's allegations, necessary action should be taken in accordance with law, within a period of two weeks. When no action was taken by the authorities, present writ petition was filed by the petitioner, in which notice of motion was issued.

As per written statement filed on behalf of respondents no.1 to 5, it is stated that petitioner had been placed under suspension by respondent no.2, therefore, no petition under Section 7 of the Punjab Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act') could be filed. Newly elected Gram Panchayat passed resolution dated 04.04.2019 for filing petition under Section 7 of the Act and accordingly petition attached as Annexure R-1 was filed seeking eviction of the persons in illegal occupation of the Gram Panchayat land.

Learned counsel for the State points out that petition under Section 11 of the Act has been filed by the affected persons and is also pending adjudication. It is submitted that necessary action shall be taken in accordance with law as and when the matter is decided.

Keeping in view the facts and circumstances as above but without expressing any opinion on the merits of the matter, this writ petition is disposed of, with a direction that pending petitions under Section 7 as well as Section 11 of the Act be decided expeditiously by the competent authority/authorities and definitely within a period of three months from receipt of certified copy of this order, in accordance with law, after affording opportunity of hearing to all concerned/affected parties. No fresh construction etc. be carried in the meanwhile.

(LISA GILL)
JUDGE

(HARSH BUNGER)
JUDGE

31.08.2022

Sunil

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