

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

CWP-25323-2021

Date of decision : 07.03.2022

Balbir 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. Surinder Mohan Sharma, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing, following order was passed:-

“In pursuance to the order passed by this Court on 01.02.2022, specific affidavit of the Block Development and Panchayat Officer dated 14.02.2022 has been filed in Court and the same is taken on record, where in Para-4 thereof it has been stated as follows:-

That the Naib Tehsildar submitted its report to the B.D.P.O. Saha vide letter No.1712 dated 03.02.2022 to the effect that the report regarding the same has been sought from Halka Patwari who submitted its report to the effect that the respondents No.9 and 10 are not in unauthorized possession of Khasra No.45, village Ghasitpur. Copy of letter No.1712 dated 03.02.2022 is annexed herewith as Annexure R-2.

Despite the said affidavit having been filed by the Block Development and Panchayat Officer on the basis of the report of Naib Tehsildar, counsel for the petitioner disputes the said aspect and submits that respondents No.9 and 10 have indeed encroached

upon the land in question. He prays for a short adjournment to substantiate his contention.

Prayer granted.

Let the needful be done within one week with an advance copy to the counsel opposite.

It is made clear that in case the submission of the counsel for the petitioner is found to be incorrect, heavy cost will be imposed upon the petitioner.

List on 07.03.2022.”

Learned counsel for the petitioner prays for some time to file an affidavit of the petitioner as directed by this Court but we do not find any justification for accepting the prayer made by the counsel for the petitioner.

In the light of the affidavit of the Block Development and Panchayat Officer, Saha, District Ambala dated 14.02.2022, as reproduced in the order dated 17.02.2022, we, therefore, are inclined to reject the present writ petition.

At this stage, counsel for the petitioner prays for withdrawal of the present writ petition to approach the authorities, if need be.

Dismissed as withdrawn as prayed for.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 7th, 2022

ps-I

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No