

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 28234 of 2019(O&M)

Date of Decision:21.11.2022

Amrinder Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. J.S.Brar, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab
for respondents no.1 to 4.

Mr. R.K.Kakkar, Advocate
for respondents no.5 and 6.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction to respondents no.3 and 4 to ensure removal of illegal encroachment by respondents no.5 and 6 upon land measuring more than 2 Kanals shown as Gair Mumkin School in the jamabandi for the year 2015-16, Annexure P-1.

It is submitted that petitioner along with other villagers and with the help of Panchayat, planned to construct a playground for the school children of the Government Primary School, whereon it came to light that respondent no.5, stated to be a member of Panchayat and respondent no.6, her father-in-law, had illegally encroached upon the land in question. The petitioner, it is stated approached respondent no.4 to ensure vacation of Gram Panchayat land from the illegal possession of respondents no.5 and 6.

It is submitted that demarcation of the land at request of the petitioner was ordered by respondent no.4 on 12.06.2019. During demarcation, it was found that respondents no.5 and 6 had illegally encroached upon the area and had constructed a shed for animals along with a bathroom and had grown vegetables in the area. It is further submitted that

petitioner approached respondent no.4 for taking necessary steps for removal of illegal encroachment, however no action was being taken.

As per short reply filed by way of affidavit dated 06.05.2021 of Mr. Gurpreet Singh Dhillon, Block Development and Panchayat Officer, Zira, District Ferozepur, on behalf of respondents no.1 to 4, it is stated that Tehsildar Zira on the basis of the complaint submitted by the petitioner looked into the matter and found that respondent no.5 had encroached upon the Panchayat land. It is further stated that eviction proceedings stand initiated against the encroachers qua the land comprised in Rectangle no. 41 killa no.7/1, 7/2, 8/1, 14/1, 14/2 and the matter is pending adjudication before the District Development and Panchayat Officer and that possession would be taken in due course of law.

Written statement on behalf of respondents no.5 and 6 with a copy thereof to learned counsel for the petitioner filed in Court today is taken on record subject to just exceptions.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide the petition seeking eviction of the respondents in question expeditiously, in accordance with law after affording proper opportunity of hearing to all concerned and preferably within three (03) months from receipt of certified copy of this order.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

November 21, 2022.

s.khan

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