

CWP-28507-2022

Date of Decision : December 12, 2022

Sanjeet

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Hemant Bassi, Advocate for the petitioner.

LISA GILL, J.

Petitioner has filed this writ petition being aggrieved of alleged inaction on the part of the authorities to take over possession of land stated to be in unauthorized occupation of respondents No. 8 to 11.

It is submitted that no action has been taken against respondents No. 8 to 11 by the Gram Panchayat, which incidentally is not even arrayed as respondent in this writ petition. Learned counsel for the petitioner submits that apprehension of the petitioner is that respondent No. 8 has been elected as Sarpanch, therefore, no action whatsoever would now be taken for removal of illegal encroachment by the said respondents. Reference is made to Resolution dated 21.12.2020 passed by the Gram Panchayat wherein it was recommended that petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 [now Haryana Village Common Lands (Regulation) Act, 1961 as notified on 05.04.2021 (for short – ‘1961 Act’)] be filed.

Heard.

Perusal of the writ petition as well as representation dated 28.11.2022 stated to have been submitted by the petitioner reveals that said representation is addressed to the State Election Commissioner, Haryana, Returning Officer, Gram Panchayat, Nayagaon, Barwala alongwith Deputy Commissioner Hisar. Allegations raised in the representation are regarding ineligibility of respondent No. 8 to have contested the election alongwith allegations of respondents No. 8 to 11 being in unauthorized occupation of Gram Panchayat land.

Keeping in view the facts and circumstances as above, this writ petition is disposed of with a direction to the Deputy Commissioner, Hisar to treat the present writ petition as a representation and take action for removal of illegal encroachment if any, in accordance with law. Necessary action be taken after affording an opportunity of hearing to all concerned expeditiously and within three months of receipt of certified copy of this order.

It is clarified that there is no expression of opinion on the merits of the case.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 12, 2022
rts

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