

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 29941 of 2022(O&M)
Date of Decision:23.12.2022

Pardeep Kumar

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. V.K.Sandhir, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl.AG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for directing the official respondents to remove illegal encroachment stated to be carried out by respondents no.6 to 14, especially in view of ejectment orders passed against them way back on 31.01.2008.

It is submitted that petitions under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the 1961 Act'), filed by the Gram Panchayat against the private respondents were allowed on 31.01.2008. Copies of orders are attached along with as Annexures P-2 to P-6.

Learned counsel for the petitioner submits that no action whatsoever has been taken despite orders dated 31.01.2008 having attained finality as no appeal whatsoever was filed by the private respondents challenging the same. It is further submitted that the Sarpanch who remained in office from 2003 to 2018, took no action, at that time. Even the present Sarpanch is not taking any action for removal of the encroachment. It is further submitted that process for removal of illegal encroachment had not been initiated against all the persons found in unauthorized occupation of

Gram Panchayat land (Pond) as per demarcation carried out on 02.06.2002 which is so referred to in order dated 31.01.2008. Learned counsel for the petitioner submits that in this regard representation dated 10.10.2022, Annexure P-7, has been submitted by the petitioner to the authorities, but still no action is being taken for removal of illegal encroachment.

Notice of motion to respondents no.1 to 4, only, at this stage. Notice is not being issued to respondents no.5 to 14 in view of the nature of the order being passed and to obviate any further delay.

Advance copy of the writ petition has been supplied to the State. Mr. Sandeep Jain, Addl.AG., Punjab, accepts notice on behalf of respondents no.1 to 4.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, it is directed that representation dated 10.10.2022, Annexure P-7, submitted by the petitioner be decided by respondent no.2-the Deputy Commissioner, Jalandhar, who shall ensure necessary action, if any/as may be required in accordance with law after associating all concerned expeditiously and definitely within six weeks of receipt of certified copy of this order.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

December 23, 2022.
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.