

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 656 of 2023
Date of Decision: 13.1.2023

Sunil Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashwani Verma, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J.

1. The petitioner claims the making of a mandamus, upon the respondents concerned, to conduct an independent enquiry for detecting the illegal encroachments, as purportedly made at the instance of the private respondents, upon, the panchayat land.

2. Though, the statutory mechanism, as contemplated for undoing the encroachments, if any, which have been made on the panchayat land, is yet to be recoured, but the petitioner has yet rushed to the Court, with a prayer for the making of the above mandamus.

3. Since the alternate remedy for removal of encroachments, if any, is available to the petitioner, through his making a petition under Section 7 of the relevant statute, therefore, the availability of the above remedy to the petitioner, and, which has not been suggested at this stage, to be not efficacious, leaves this Court to dispose of the instant petition, but

with a liberty to the aggrieved petitioner, to make a valid motion for

undoing the constructions, if any, as raised upon the panchayat land, through his making a petition under Section 7 of the relevant statute, before the statutory authority concerned, and, in case the said petition is moved before the statutory authority concerned, thereupon it shall be expeditiously decided.

4. With the afore observations, the petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

January 13, 2023
Gurpreet

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