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

CWP-2285-2023

Date of decision:06.02.2023

PUNEET SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Raja Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel for the petitioner submits, that despite a petition becoming instituted by the petitioner herein, under Sections 5, 6, and 7 of The Punjab Village Common Lands (Regulation) Act, 1961, impleading therein, apart from the Gram Panchayat concerned, also the encroachers, upon the panchayat lands, yet the learned Collector concerned, has failed to yet exercise his jurisdiction upon the petition (supra).

2. It appears that since there is an interdiction in the relevant statute against the petition of the above nature being instituted, before the Competent Authorities rather by a private person. Therefore, this Court refrains from directing the learned Collector concerned, to forthwith make a lawful decision on Annexure P-6, as the making of the said mandamus, upon the learned Collector concerned, shall tantamount to this Court untenably permitting the learned Collector concerned, to exercise theroin's jurisdiction, which otherwise is not lawfully vested in him.

3. In consequence, as prayed for, the petition is, at this stage permitted to withdrawn.

4. However, the Block Development and Panchayat Officer concerned, is directed to forthwith file an able petition for the relevant purpose before the Competent Authority concerned, and, on the said petition being forthwith instituted, the Competent Authority concerned, shall decide it, through a speaking order, but after giving an opportunity of hearing to all the affected persons, and, the decision on the freshly instituted petition (supra), be ensured to be positively made within 6 months.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

06.02.2023

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(KULDEEP TIWARI)
JUDGE

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