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

CWP-7993-2023

Date of decision:19.04.2023

RASHPINDERPAL AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. R.S. Sidhu, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The prayer made in the instant writ petition is for a mandamus being made upon the respondents concerned, to ensure the makings of a valid demarcation of the land comprised in Khatauni No.178 Khasra No.1-1206/175 (1-3)(0-9-69-54), lands whereof are reserved for *Hadda Rori*.

2. The basis for the above prayer is rested upon the factum, that with the petition lands becoming designated as a *Hadda Rori*, thus they could not be unauthorizedly occupied by certain persons. Though, obviously for the above assertion being lawfully established before the Competent Authority, it is incumbent, upon, the petitioners in the relevant motion, to secure the said claim, only upon a valid demarcation report being prepared, and, also the same being tendered besides proven in accordance with law, before the Statutory Authority concerned.

3. However, it appears that since the respondents concerned, are purportedly delaying in making a lawful demarcation of the petition lands. Thus, the petitioners have been led to access this Court, with a prayer that an expeditious demarcation be ordered to become conducted of the petition lands, rather for ensuring that subsequently, a relevant motion, is cast under the relevant provisions of the relevant statute, hence before the Competent Authority concerned. As such, for ensuring that the lands reserved as *Hadda Rori*, are not permitted to become unauthorizedly occupied by any persons concerned, and, also bearing in mind the fact, that there may be some purported delay by the empowered Revenue Officer concerned, in his making lawful demarcations of the above lands, but whereafter the beneficiary of the demarcation report, may become enabled to file a lawful motion under the relevant statute, before the Competent Authority concerned.

4. Therefore, the writ petition asking for the above mandamus, is allowed, and, a direction is made upon the empowered Revenue Officer concerned, wherebefore whom an application for demarcation is *subjudice*, to proceed to forthwith make lawful demarcation(s) of the petition lands, and, thereafter to supply a certified copy of the demarcation report to the BDPO concerned, so as to enable the latter to, in case some persons are found to be making encroachments, upon the lands designated as *Hadda Rori*, hence cast a petition before the Competent Authority, under Section 7 of The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), for ensuring, that lawful order of evictions are made against the encroachers concerned.

5. Consequently, reiteratedly in case the said demarcation report reveals, that some encroachments, are made on the lands designated as *Hadda Rori*, thereupon, the BDPO concerned, is directed to forthwith institute a

petition under Section 7 of the Act, before the learned Collector concerned, who shall on receiving the said petition but after hearing all affected concerned, hence make a lawful decision thereon. The said decision shall be made within 3 months of preferment of the said petition before him.

(SURESHWAR THAKUR)
JUDGE

19.04.2023
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(KULDEEP TIWARI)
JUDGE

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