

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-9443-2023

Date of Decision : 03.05.2023

PARGAT SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

....Respondents

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

Present : Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Since, though the petitioner claims the making a mandamus upon the official respondents concerned, to ensure the removal of encroachments, as made by co-respondents No. 7 and 8, over the petition lands, purportedly described in the revenue records as *Gair Mumkin Chappar*. However, at this stage, the above asked for mandamus cannot be made, rather the instant petition claiming the above mandamus, is completely mis-constituted. The reason, is that, the statutory remedies are yet available to be recoured at the instance of the aggrieved, thus, for seeking therein, a prayer that an order of eviction be made against co-respondents No. 7 and 8, given their makings encroachments, upon, land owned and possessed by the Gram Panchayat concerned.

2. Therefore, the Gram Panchayat concerned, is reserved, a liberty to institute a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, before the learned Collector concerned, and or, even the BDPO concerned, may institute the said

petition before the Collector concerned.

3. The petition (supra), be ensured to be forthwith instituted before the Collector concerned, and on such a petition being instituted before him, he shall pass a prompt lawful decision thereons, but after hearing all affected persons.
4. Furthermore, it is also clarified that prior to the institution of the said petition, a valid demarcation be ensured to be carried out, at the instance of the concerned, in respect of the disputed lands.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

03.05.2023

kavneet singh

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