

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

CWP-9902-2023

Date of decision: 08.05.2023

BALDEV SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

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

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

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner alleges that certain encroachments had been made over the panchayat lands by the errants concerned. Moreover, he also alleges in the writ petition that in respect of the causing of removal of the said encroachments, as, made over the panchayat lands, thus he has moved representations Annexure P-1, and, Annexure P-2, before the authorities concerned, but yet no action has been taken thereons.

2. Therefore, the petitioner has been led to access this Court for a mandamus being made, upon the respondents concerned, to draw lawful action against the errants concerned. The statutory remedy, as available to the petitioner, other than his accessing the authorities concerned, with Annexures P-1 and P-2, is, through his instituting a petition under Section 7 of the The Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”), claiming therein relief, that the encroachments, if any, made over the panchayat lands, be ordered to be removed through a lawful decree of eviction being made by the learned Collector concerned.

3. The above eviction petition be filed within 2 weeks, if so advised, and, on its preferment before the learned Collector, he shall make an expeditious speaking decision thereon, but after hearing all affected persons.

4. In addition, relief is also asked for in the said representations, and, it relates to the challenge being made to a resolution of panchayat concerned, whereby certain ineligible persons were allotted lands. Thus, in the above regard, the present petitioner has a remedy inasmuch as, by approaching the Appropriate Authority under the Panchayati Raj Act, 1994, for setting aside the resolution of the panchayat concerned, and, also for quashing, and, setting aside of the allotments, if any, as made to the allottees concerned, but in pursuance to the said resolution. Therefore, in view of the above observations, the instant petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

08.05.2023

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No