

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

242

CWP-13547-2022

Date of Decision : **February 22, 2023**

GUCHARANPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

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

Present : Mr. N.S.Swaitch, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab.

Mr. Avamya Bhardwaj, Advocate
for respondent No.9.

Mr. Vivek Sharma Vashisht, Advocate
for respondent No.10.

SURESHWAR THAKUR. J.(Oral)

1. Prayer in the instant writ petition, is that, a mandamus be made upon respondents No.1 to 9 to vacate the Shamlat land measuring 0 bigha 27 biswasi adjoining *khasra No.496*, as thereons co-respondent No.10, has assumed illegal possession through his tethering thereon cattles, and, also that on some other portion of the petition land(s), co-respondent No.10 has raised a house despite the said land being reserved as a crematorium for the Missal Sikh Nishanwali. However, the above asked for mandamus, cannot be made as yet the statutorily prescribed remedies, for the relevant purpose are still available to become resorted at the instance of BDPO concerned or by the petitioner, or at the instance

of the Gram Panchayat concerned, through the institution a petition under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as '**the Act**') rather before the learned Collector concerned. Therefore, the learned State counsel is directed to ensure that the BDPO concerned, does forthwith draw a petition under Section 7 of the Act, against the encroachers concerned, upon the petition land(s). On such a motion being drawn, thereupon, the latter shall make a lawful order, thereon but positively within five months from its preferment, and, but after hearing all the affected persons.

2. Disposed of.

3. Consequently, any sum deposited with the Registry of this Court, is directed to be forthwith returned to the petitioner.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

February 22, 2023
ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No