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

COCp-1681-2020 (O&M)
Date of decision: 17.03.2023

Gurpal Singh

....Petitioner

Versus

Jagjit Singh and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

Mr. N.P.S. Mann, Advocate
for respondent No.1.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 30.09.2008 vide which operation of the order dated 05.03.2008 directing eviction of the petitioner under the provisions of the Punjab Village Common Land Act was stayed and the subsequent order dated 22.09.2011 vide which while admitting the petition, the stay order was ordered to be continued.

Separate reply by way of affidavit of the Block Development and Panchayat Officer, SHO, Police Station Jandiala and the Sarpanch of the Gram Panchayat are on record.

As per the affidavit of the Block Development and Panchayat Officer, it is stated that there is no violation and the Gram Panchayat had passed a resolution on 16.07.2020 wherein it is stated that he is trying to make unauthorized construction over the village pond and appropriate action will be taken and therefore, there is no

violation of the order as only the protection with regard to further encroachment was stopped. Similar is the stand taken by the Sarpanch of the Gram Panchayat that under the garb of stay order, the petitioner is exceeding his illegal possession towards the village pond and by passing a resolution, the Gram Panchayat had not allowed him to take unauthorized possession over the village pond.

In the affidavit of the SHO, it is submitted that in order to maintain law and order, they evicted him, in accordance with law.

Since from the affidavit of all the respondents, no violation of the order is made and rather a categoric stand is taken that they are not permitting the petitioner to further take unauthorized possession over the village pond, no willful disobedience is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No