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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11734-2023

Date of decision:29.05.2023

TEHAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Ms. Monika Thakur, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner is alleged to make an unauthorized construction upon the lands owned, and, possessed by the *Panchayat Deh*. The above purported illegal occupation of the petition lands, by the present petitioner, resulted in the drawing of Annexure P-4. Annexure P-4 has been drawn by the learned Collector concerned. A reading of Annexure P-4 discloses, that the learned Collector concerned, has ordered for the removal of the purported illegal construction, as made by the petitioner over the panchayat lands. However, the said order is made in a most arbitrary fashion, inasmuch as, the said order could be made only on the launching of a petition, cast under Section 7 of the The Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as “the Act”) by the aggrieved Gram Panchayat concerned. The said motion was to also result in its termination, but with a decision in favour of the Gram Panchayat concerned. Only on termination of the said petition through a verdict favorable to the Gram Panchayat concerned,

being recorded by the learned Collector concerned, that thus the Collector concerned, could draw warrants of possession against the petition lands, and/or, against the present petitioner.

2. Strangely, despite the above legal recourse being not adopted by the learned Collector concerned, the latter has in a slip shod, and, arbitrary manner thereby making a complete short shrift of the apposite statutory processes, rather has taken to issue Annexure P-4. Therefore, Annexure P-4 is ridden with a vice of breaches being caused to the statutory provisions (supra). Resultantly, the instant petition is allowed, and, Annexure P-4 is declared to be void, and, as such is quashed, and, set aside.

3. However, liberty is reserved to the Gram Panchayat concerned, to in pursuance of resolution (Annexure P-2) constitute a petition under Section 7 of the Act, before the learned Collector concerned. On such a petition being instituted before the learned Collector concerned, the latter shall make a lawful speaking decision thereon, but after hearing all affected persons concerned.

(SURESHWAR THAKUR)
JUDGE

29.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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